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W.P.No.13351 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.11.2022

CORAM

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

W.P.No.13351 of 2021
and
W.M.P.No.14181 of 2021

S.Chandramohan

... Petitioner

Vs.

1. The Additional Chief Secretary to Government,
Home (Tr.II) Department,
Secretariat,
Fort St. George,
Chennai-600 009.
2. The Transport Commissioner,
Office of the Transport Commissioner,
Ezhilagam,
Chennai-600 005.
3. The Deputy Commissioner of Transport - II,
Office of the Transport Commissioner,
Ezhilagam,
Chennai - 600 005.

... Respondents

PRAYER: Writ Petition has been filed under Article 226 of the Constitution of India to issue a Writ of Certiorari, calling for the records, viz., letter No.79494/Tr.II/2013-22 dated 10.01.2020 issued by the first respondent and quash the same.



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W.P.No.13351 of 2020

For Petitioner : Mr.A.S.Baalaji

For Respondents : Mr.L.S.M.Hasan Fizal
Additional Government Pleader
for R1

Mr.P.Sathish
Additional Government Pleader
R2 and R3

ORDER

The petitioner was a Regional Transport Officer (RTO) and he has retired from service. The petitioner has challenged the impugned show cause notice dated 10.01.2020, under which the petitioner has been called upon to submit his reply within a period of fifteen days as to whether he will accept the proposed punishment or not, under Rule 9 of the Tamilnadu Pension Rules, 1978. In the impugned notice, the respondents have stated that if a reply is not received from the petitioner within the stipulated time, it will be construed that he has no explanation to give.

2. Learned counsel for the petitioner would now submit that pursuant to the impugned notice dated 10.01.2020, the petitioner has submitted a reply dated 21.01.2020 which is also filed as a document along with this



Writ Petition.

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3. Learned counsel for the petitioner submits that the petitioner will be satisfied if the said explanation dated 21.01.2020 is considered by the respondents, on merits and in accordance with law and final orders are passed thereafter. Learned counsel for the petitioner would also submit that despite the petitioner's retirement on 31.07.2008 itself, till date he has not received his retirement benefits. The said statement is also recorded.

4. No prejudice would be caused to the respondents if a direction sought for by the learned counsel for the petitioner before this Court is granted.

5. For the foregoing reasons, the first respondent is directed to consider the petitioner's representation dated 21.01.2020 given to the impugned notice dated 10.01.2020, on merits and in accordance with law and pass final orders within a period of ten weeks from the date of receipt of a copy of this order.



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6. With the aforementioned directions, this Writ Petition is disposed of. No Costs. Consequently, the connected Writ Miscellaneous Petition is closed.

09.11.2022

Index : Yes/No
Speaking Order : Yes / No
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To

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Chennai-600 009.
2. The Transport Commissioner,
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ABDUL QUDDHOSE. J.,

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