



WEB COPY



W.P.No.28343 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.10.2022

CORAM:

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

W.P.No.28343 of 2022

Kannan

... Petitioner

Versus

1. The Secretary,
Represented by its Government,
Transport Department,
St.George Fort, Chennai.
2. The General Manager,
Tamil Nadu State Transport Corporation,
Regional Head Office,
No.37, Mettupalayam Road,
Coimbatore District.
3. The Branch Manager,
Tamil Nadu State Transport Corporation,
Ondiputhur Branch-I,
Coimbatore District.

.... Respondents

Prayer:-Petition filed under Article 226 of the Constitution of India praying this Court to issue a writ of mandamus directing the 1st and 2nd respondents to relieve the petitioner as deemed to have voluntarily retired from service with effect from 16.08.2022 onwards by considering his representation dated 16.08.2022 and settle all his terminal benefits.



W.P.No.28343 of 2022

For Petitioner : Mr.S.Kumaresan
For Respondents : Mr.Yogesh Kannadasan
Spl.Govt. Pleader
for R.1

Mr.A.Sundaravadhanan
Standing Counsel
For R.2 and R.3

ORDER

This writ petition has been filed for a mandamus seeking for a direction to respondents 1 and 2 to relieve the petitioner as deemed to have voluntarily retired from service with effect from 16.08.2022 based on his representation dated 16.08.2022 and settle all his terminal benefits.

2. Heard Mr.S.Kumaresan, learned counsel for the petitioner and Mr.Yogesh Kannadasan, learned Special Government Pleader accepts notice on behalf of the first respondent and Mr.A.Sundara Vadhanam, learned Standing Counsel accepts notice on behalf of the respondents 2 and 3. By consent of both the parties, the main writ petition has been taken up for final disposal.

3. The petitioner claims that he is working as a Driver in the third respondent Corporation. He has put in 28 years of service. According to the petitioner, he is entitled to voluntarily retire from service as per Section 56(3)(a) of Fundamental Rules. The petitioner has given a representation on



W.P.No.28343 of 2022

16.08.2022 for the said purpose. Since the representation has not been considered till date, the petitioner has filed this writ petition.

4. Heard Mr.S.Kumaresan, learned counsel for the petitioner and Mr.Yogesh Kannadasan, learned Special Government Pleader accepts notice on behalf of the first respondent and Mr.A.Sundara Vadhanan, learned Standing Counsel accepts notice on behalf of the respondents 2 and 3. By consent of both the parties, the main writ petition has been taken up for final disposal.

5. The petitioner also claims that due to his vision problem, he cannot continue to act as a Driver and only under those circumstances, he has opted for voluntary retirement.

6. No prejudice would be caused to the respondents if the petitioner's representation is considered on merits and in accordance with law within a time frame to be fixed by this Court.

7. For the foregoing reasons, this Court directs the second respondent to pass final orders on merits and in accordance with law on the petitioner's 8



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W.P.No.28343 of 2022

ABDUL QUDDHOSE,J.

Sr

representation dated 16.08.2022, seeking for voluntary retirement and payment of his terminal benefits within a period of twelve weeks from the date of receipt of a copy of this order.

With the aforesaid direction, the writ petition is disposed of. No costs.

27.10.2022

Sr

Index: Yes/No

Speaking Order/Non-Speaking Order

To

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W.P.No.28343 of 2022