



W.P.(MD)No.11715 of 2015

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:16.09.2022

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD)No.11715 of 2015

and

W.M.P.(MD).No.18136 of 2017
and M.P.(MD).No.1 of 2015

V.Kaliyamoorthy

... Petitioner

-Vs-

The Management of

Tamilnadu State Transport Corporation (Kumbakonam) Limited,

Trichy Region,

represented by its General Manager,

Trichy.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondent to reinstate the petitioner with continuity of service, back wages from 13.12.2010 and all other attendant benefits as per order of the Authority dated 23.04.2013 passed under Section 33(2) (b) of the I.D.Act in approval application No.236/10.



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For Petitioner : No appearance
For Respondents : Mr.D.Sivaraman
Standing Counsel

ORDER

The present Writ Petition has been filed seeking a direction to direct the respondent to reinstate the petitioner with continuity of service, back wages from 13.12.2010 and all other attendant benefits as per order of the Authority dated 23.04.2013 passed under Section 33(2) (b) of the I.D.Act in approval application No.236/10.

2. The learned counsel appearing for the petitioner is absent.

3. When the matter is pending before this Court, the respondent has filed an application before the appropriate authority for approval of the dismissal order. The authority had declined the approval, against which, the respondent has preferred a writ petition before the Principal Bench of this Court in W.P. (MD).No.31000 of 2015 and this Court vide order dated 30.07.2021, has



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passed an order, wherein, the relevant paragraph No.6 is extracted hereunder:

“6.Taking note of the submissions of the learned counsel on either side and as the first respondent / employee has agreed to accept clause 2(i) of the proposal made by the Government, the first respondent/employee is permitted to go on compulsory retirement on the date of dismissal and he is entitled to eligible retirement benefits, such as Gratuity, Pension and Provident Fund, as per the Rules in force.”

4. In the abovesaid writ petition, the employee (in the present case he is the writ petitioner) is permitted to go on compulsory retirement with consequential retirement benefits.

5. Therefore, this Court is confirming the said order. The petitioner is permitted to go on compulsory retirement on the date of dismissal and he is entitled to eligible retirement benefits, such as Gratuity, Pension and Provident Fund, as per the Rules in force. The petitioner is directed to submit an application within a period of four weeks from the date of receipt of a copy of this order. Thereafter, the respondent is directed to consider the same within a period of three months, from the date of filing of the application by the petitioner.



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6. With the above directions, this Writ Petition is disposed of. No costs.

Consequently, the connected W.M.P.(MD).No.18136 of 2017 and M.P.
(MD).No.1 of 2015 are closed.

16.09.2022

Index : Yes / No
Internet : Yes / No
vsg



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