



W.P.(MD)No.1340 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.01.2023

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.1340 of 2023

R.Ramesh

... Petitioner

Vs.

- 1.The Managing Director,
Tamil Nadu State Transport Corporation,
(Madurai) Limited,
Bypass Road,
Madurai.
- 2.The General Manager,
Tamil Nadu State Transport Corporation,
(Madurai) Limited,
Madurai Region,
Madurai.
- 3.The Assistant Manager
(Personnel and Administration Department),
Tamil Nadu State Transport Corporation,
(Madurai) Limited,
Madurai Region,
Madurai.

... Respondents



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PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order passed by the 2nd respondent in Ref - Nirvagam/A5/8306/2021 dated 06.11.2021, quash the same and consequently allow the petitioner to retire from service under voluntary retirement scheme and consequently directing the respondents to settle all the terminal benefits payable to the petitioner including PF, Gratuity, Monthly Pension, Commuted Value of Pension, Social Security Scheme Amount, Refund of petitioner's contribution made to Medical, Engineering, Polytechnic Colleges and Institute of Road Transport and all other attendant benefits within the time frame that may be fixed by this Court.

For Petitioner : Mr.A.Rahul

For Respondents : Mr.S.Ramachandra Pradeep

ORDER

This writ petition has been filed challenging the impugned order passed by the 2nd respondent dated 06.11.2021 and to quash the same and consequently allow the petitioner to retire from service under voluntary retirement scheme and consequently directing the respondents to settle all



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the terminal benefits payable to the petitioner including PF, Gratuity, Monthly Pension, Commuted Value of Pension, Social Security Scheme Amount, Refund of petitioner's contribution made to Medical, Engineering, Polytechnic Colleges and Institute of Road Transport and all other attendant benefits.

2. The case of the petitioner is that he was appointed as Conductor in the first respondent Corporation in the year 1992. Thereafter, he was dismissed from service on 11.06.2003, on the ground of absenting from duty. Challenging the same, the petitioner has raised an Industrial Dispute before the Labour Court in I.D.No.111 of 2012. The Labour Court, by award dated 21.01.2014, directed the Transport Corporation to reinstate the petitioner into service within three months and with continuity of service excluding the period from 12.06.2003 to 29.11.2011 besides denying back wages. Thereafter, the petitioner was reinstated into service on 04.09.2014. The respondents extended his notional pay revision from 12.06.2003 to 29.11.2011, the period during which continuity of service was denied to him. Challenging the same, the petitioner has filed a writ petition in W.P.



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(MD).No.11068 of 2018 before this Court and obtained an order of interim injunction against recovery. Thereafter, the petitioner has made an application for voluntary retirement on 01.10.2021 and the same was rejected by the impugned order dated 06.11.2021, on the ground that the writ petition is pending before this Court. Challenging the same, the present writ petition has been filed.

3. The learned counsel appearing for the petitioner would submit that the petitioner's voluntary retirement application was not considered only on the ground that the writ petition is pending before this Court. However, subsequently, the writ petition was disposed of on 14.06.2022. Hence, the reasons assigned for voluntary retirement in the impugned order is liable to be interfered with and this Court may set aside the impugned order and remand the matter back to the authority for fresh consideration.

4. The learned Standing counsel appearing for the respondents has no serious objection to remand the matter back for fresh consideration.



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5. Considering the facts and circumstances of the case, the petitioner's voluntary retirement application was rejected only on the ground that the writ petition in W.P.(MD).No.11068 of 2018 is pending before this Court. However, the fact remains that the writ petition was disposed of on 14.06.2022. Hence, there is no legal impediment to consider the claim of the petitioner. Accordingly, the impugned order passed by the second respondent dated 06.11.2021 is set aside and the matter is remanded back to the first respondent and the first respondent is directed to consider the petitioner's application for voluntary retirement dated 01.10.2021 and pass appropriate orders, within a period of six weeks from the date of receipt of a copy of this order.

6. In the result, this Writ Petition is allowed. No costs.

24.01.2023

NCC : Yes/No
Index : Yes / No
Speaking Order : Yes / No

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M.DHANDAPANI,J.

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