



W.P.(MD)No.2920 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:14.02.2023

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.2920 of 2023
W.M.P(MD).No.2718 of 2023

S.Kannan

... 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.

... Respondents

Prayer:Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order passed by the second respondent in Ref:Nirvagam/11464/2021 dated 03.02.2023, quash the same and consequently allow the petitioner to retire from service under voluntary retirement scheme and consequently directing the respondents to settle



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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.Gladson Michael Rajadurai
Standing Counsel for TNSTC

ORDER

This writ petition has been filed to call for the records pertaining to the impugned order passed by the second respondent in Ref:Nirvagam/11464/2021 dated 03.02.2023, quash the same and consequently, allow the petitioner to retire from service under voluntary retirement scheme and direct 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



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attendant benefits within the time fixed by this Court.

2.The learned counsel appearing for the petitioner would submit that the petitioner has joined in the first respondent Corporation as Driver with effect from 01.04.1994. He has made an application on 01.11.2022, requesting the respondents to consider his claim for voluntary retirement. However, the same was rejected on the ground that the Corporation has to initiate action to comply with the direction issued by this Court in W.P(MD).No.20715 of 2014 filed by the petitioner for regularizing his period of service from 30.08.2012 to 30.09.2013 as duty. Since the petitioner is suffering from some health problem, he has submitted an application. The direction issued by this Court in W.P(MD).No.20715 of 2014 is nothing to do with the respondent Corporation in considering the voluntarily retirement application. Hence, the respondent Corporation may consider the voluntarily retirement application independently without referring to the directions issued by this Court.



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3. The learned Standing Counsel appearing for the respondents Corporation would submit that the reason assigned in the impugned order dated 03.02.2023 is not sustainable one and hence, this Court may remand the matter back to the second respondent for considering the Voluntarily Retirement Application made by the petitioner, as per the Transport Corporation Regulations.

4. Heard the learned counsel appearing for the petitioner and the learned Standing Counsel appearing for the respondents.

5. Considering the fact that the impugned order dated 03.02.2023 rejecting the Voluntarily Retirement Application of the petitioner has been passed solely on the ground that the action needs to be taken by the Corporation to comply with the directions issued by this Court in W.P(MD).No.20715 of 2014 filed by the petitioner for regularizing his period of service from 30.08.2012 to 30.09.2013 and the submission made by the learned Standing Counsel appearing for the respondents, this Court is inclined to set aside the impugned order passed by the



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second respondent on 03.02.2023 and the matter is remanded back to the second respondent to consider the Voluntarily Retirement application of the petitioner and pass appropriate orders on merits and in accordance with law within a period of four weeks from the date of receipt of a copy of this Order.

6. Accordingly, this Writ Petition is allowed. No costs. Connected miscellaneous petition is closed.

14.02.2023

ssb
NCC:Yes/No
Index:Yes/No
Internet:Yes/No



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To

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,
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M.DHANDAPANI,J.

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