



W.P.(MD).No.17720 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 14.08.2023

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD)No.17720 of 2023
and W.M.P(MD)No.14795 of 2023

S.Viswanathan

... Petitioner

Vs.

1.The Managing Director,
Tamil Nadu State Transport Corporation
(Tirunelveli) Limited,
Central Office,
K.T.C Nagar,
Tirunelveli – 11.

2.The General Manager,
Tamil Nadu State Transport Corporation
(Tirunelveli) Limited,
Tirunelveli Division,
Tirunelveli,
Vannarapettai,
Tirunelveli – 3.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order passed by the second respondent in Letter No.10065/PaA/E8/Thili/21 dated 15.03.2023 and quash the same and consequently direct the respondents to relieve the petitioner under Voluntary Retirement Scheme and settle his retiral benefits to the petitioner.



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For Petitioner : Mr.K.Guhan
For Respondents : Mr.D.Jebaraj
Standing Counsel

ORDER

The present Writ Petition has been filed for issuance of a Writ of Certiorarified Mandamus, to quash impugned order passed by the second respondent dated 15.03.2023 and consequently direct the respondents to relieve the petitioner under Voluntary Retirement Scheme and settle his retirement benefits to the petitioner.

2.Heard the learned counsel appearing for the petitioner and the learned Standing Counsel appearing for the respondents and perused the materials available on record.

3.The petitioner joined services in the respondent Corporation as a Driver on a permanent basis with effect from 06.05.1993. He is an Asthma patient and he has completed 30 years of service. Since the petitioner is suffering from Acute Asthma, blood pressure and neuro problem, he is unable to continue to work with the



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respondent Corporation. Hence, he sent a detailed representation to the first respondent on 27.02.2023 seeking to relieve him from the respondent Corporation under Voluntary Retirement Scheme. Considering his representation, the impugned order dated 15.03.2023 passed by the second respondent rejecting the petitioner's application seeking Voluntary Retirement Scheme came to be passed on the ground that the disciplinary proceeding is pending as against him. Assailing the same, this Writ Petition came to be filed.

4. When this case was taken up for hearing today, the learned standing counsel appearing for the respondents submitted that on 15.06.2023, the disciplinary proceeding initiated as against the petitioner is concluded and hence, there is no bar for the respondent Corporation to consider his request for Voluntary Retirement Scheme. In case, the petitioner makes a fresh representation to the respondent Corporation, his representation would be considered and the petitioner would be relieved from service.

5. Recording the submission made by the learned standing counsel appearing for the respondents, this Court directs the petitioner to make a fresh representation to the respondents seeking to relieve



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him from the respondent Corporation under Voluntary Retirement Scheme within a period of one week from the date of receipt of a copy of this order and consequently, on receipt of the said representation, the respondents are directed to forthwith consider the representation of the petitioner and permit him to retire under Voluntary Retirement Scheme within a period of two weeks thereafter.

6. With the above directions, this Writ Petition is disposed of. There shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

14.08.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes
ps



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L.VICTORIA GOWRI, J.

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