



W.P.(MD)No.19213 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 11.12.2023

CORAM:

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)No.19213 of 2023

R.Padmanaban

... Petitioner

Vs

1. The Managing Director,
Tamil Nadu State Transport Corporation
(Kumbakonam) Limited,
Kumbakonam.
2. The General Manager,
Tamil Nadu State Transport Corporation
(Kumbakonam) Limited,
Kumbakonam Region, Kumbakonam.
3. The Branch Manager,
Tamil Nadu State Transport Corporation
(Kumbakonam) Limited,
Thanjavur Town II Branch,
Thanjavur.

... Respondents

PRAYER :-Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order passed by the 2nd respondent in Ka.No.



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1219/PaPi-E2/VRS/TNSTC (KUM)/2023, dated 24.07.2023, quash the same 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 together with interest for belated payment within the time frame that may be fixed by this Court.

For Petitioner : Mr.A.Rahul

For Respondents : Mr.K.Jagadees Balan (R1, R2)
Standing Counsel

ORDER

The present writ petition has been filed by the Driver of the Respondent Corporation seeking mandamus as against the Management to permit him to go on voluntary retirement.

2.According to the rules prevailing, any employee has to complete 20 years of service or 50 years of age for voluntary retirement. Further, no disciplinary proceedings or un-implemented increment cuts should be pending at the time of submission of application form. The petitioner has filed an application seeking voluntary retirement on



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29.03.2023. The said request of the petitioner has been rejected by order, dated 24.07.2023 on the ground that un-implemented increment cuts are there and hence, he cannot be relieved from duty.

3. When this matter was taken up for hearing, this Court directed the learned Standing Counsel for the respondents Corporation to ascertain what is the amount due as per the un-implemented punishment for 30 months of increment cut.

4. The learned Standing Counsel has received written instructions on 04.12.2023 to the effect that the quantum of the amount is Rs.18,000/-. He further pointed out that the petitioner has not submitted the filled in application on 29.03.2023. He has only addressed a letter seeking voluntary retirement.

5. Considering the aforesaid, this Court is inclined to pass the following orders:

1. The petitioner is directed to submit his voluntary retirement request in the appropriate form. The said request shall be treated



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as application made on 29.03.2023 and he can be relieved from duty w.e.f.30.06.2023.

2.The Management is at liberty to retain the sum of Rs.18,000/- towards non-implemented increment cut. The petitioner is at liberty to challenge the punishment imposed upon him in the manner known to law. The balance amount shall be disbursed to the petitioner.

3.The respondent Corporation is directed to permit the petitioner to go on voluntary retirement w.e.f. 30.06.2023 with all other attendant benefits.

The said exercise shall be completed within a period of eight weeks from the date of appropriate application received from the writ petitioner.

6.With the above direction, this writ petition stands disposed of. No costs.

11.12.2023

Index : Yes / No
Internet : Yes/ No
PNM



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R.VIJAYAKUMAR, J.

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ORDER
IN

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Date : 11.12.2023