



W.P.(MD).No.23665 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.09.2023

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.23665 of 2023

P.Marimuthu

... Petitioner

Vs

1. The Managing Director,
The Tamil Nadu State Transport Corporation (Madurai) Ltd,
Bypass Road,
Madurai 625 016.
2. The General Manager,
The Tamil Nadu State Transport Corporation (Madurai) Ltd,
Bypass Road,
Madurai 625 016.
3. The Branch Manager,
The Tamil Nadu State Transport Corporation (Madurai) Ltd,
Bypass Road,
Madurai 625 016.
Mofussil Branch, Madurai 625 016.
4. Satheesh

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India,
praying this Court to issue a Writ of Mandamus to direct the respondents to



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accept the petitioner's application for voluntary retirement submitted on 30.04.2023 and consequently direct the respondents to allow him to go on voluntary retirement and further directing the respondents to settle his entire retirement benefits including Monthly pension, Commuted value of pension, Gratuity, Provident Fund, Social Security Scheme Amount, Earned Leave salary, Surrender Leave salary and refund of his contribution made to Medical, Engineering, Polytechnic College and Institute of Road Transport within the time limit that may be stipulated by this Court.

For Petitioner : Mr.A.Rahul

For Respondents : Mr.S.Siva Balaji
Standing Counsel

ORDER

The writ petition has been filed seeking direction to the respondents to accept the petitioner's application for voluntary retirement submitted on 30.04.2023 and consequently direct the respondents to allow him to go on voluntary retirement and further directing the respondents to settle his entire retirement benefits including Monthly pension, Commuted value of pension, Gratuity, Provident Fund, Social Security Scheme Amount, Earned Leave salary, Surrender Leave salary and refund of his contribution made to



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Medical, Engineering, Polytechnic College and Institute of Road Transport within the time limit that may be stipulated by this Court.

2.Heard the learned counsel appearing for the petitioner and the learned standing counsel appearing for the respondent Corporation.

3.The writ petitioner was employed as driver in the respondent corporation. He joined service way back in the year 1987. He submitted an application for voluntary retirement under the relevant scheme on 30.04.2023 to the third respondent and the same was forwarded to the second respondent. Again the petitioner submitted his representation, dated 30.08.2023 through registered post. Though the same was accepted by the first and second respondents, the third respondent has refused and returned the same. No order has been passed on the petitioner's application. Hence, the present writ petition has been filed.

4. The learned counsel appearing for the petitioner reiterated all the contentions set out in the affidavit filed in support of the writ petition and this Court in WP(MD)No.13101 of 2022 held that if no negative order is passed



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within 90 days from the date of making application for voluntary retirement, then the application is deemed to have been accepted. Hence, prayed to allow the petition.

5.The issue in the writ petition is no more *res-integra*. This Court dealt with a similar case in WP(MD)No.13103 of 2022. I am fully in consonance with the order passed by the learned Single Judge. It is not in dispute that the petitioner gave an application for voluntary retirement on 30.04.2023. Admittedly, no further order was passed thereon within a period of 90 days.

6.In view of the above facts, I hereby direct the respondents to permit the petitioner to go on voluntary retirement and to disburse his entire retirement benefits including Monthly pension, Commuted value of pension, Gratuity, Provident Fund, Social Security Scheme Amount, Earned Leave salary, Surrender Leave salary and refund of his contribution made to Medical, Engineering, Polytechnic College and Institute of Road Transport, within a period of twelve (12) weeks from the date of receipt of a copy of this order.



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7. The Writ Petition is allowed. No costs. Consequently, connected

miscellaneous petition is closed.

27.09.2023

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

PNM

To

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Madurai 625 016.
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L.VICTORIA GOWRI, J.

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ORDER IN
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