



W.P(MD)No.29373 of 2

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.12.2023

CORAM

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.29373 of 2023

S.Ayyaru

... Petitioner

Vs.

1.The Tamil Nadu State,
Represented by its Principal Secretary
to Government,
Transport Department,
Secretariat,
Chennai.

2.The Managing Director,
Tamil Nadu State Transport Corporation
(Kumbakonam) Limited,
27, New Railway Station Road,
Kumbakonam-612 001.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents take the petitioner 20 months of his service and take service as 28 years instead of 26 years on the base of the same to settle the petitioner's Commutation, Periodical Increments, Review, Weightage and Settlement Benefits of 2003 to



W.P(MD)No.29373 of 2

2006 by treating the suspension as duty period, Surrender Leave for 43 days and to revise his Pension along with 6% interest.

For Petitioner : Mr.K.Gokul
For R-1 : Mr.J.Ashok
Additional Government Pleader
For R-2 : Mr.K.Jagadees Balan
Standing Counsel

ORDER

The present writ petition has been filed by a Senior Grade Assistant of the respondent Transport Corporation seeking a Mandamus directing the authorities to consider the 20 months suspension period as duty period and confer all benefits.

2. The petitioner herein was placed under suspension in contemplation of an enquiry between 01.10.2004 and 30.06.2006. The petitioner had attained superannuation on 30.06.2008. A charge memo came to be issued after his retirement, namely, on 24.07.2008. Based upon the said charge memo, punishment was imposed upon the writ petitioner on 24.07.2018. The petitioner had challenged the said punishment in W.P(MD)No.4849 of 2019.



3. The Managing Director had appeared before this Court and informed the Court that the final order, dated 24.07.2018 has been withdrawn and the Corporation has decided to close the charge memo with "No action". Recording the same W.P(MD)No.4849 of 2019 was closed with a direction to the authorities to disburse the benefits within a period of 15 days. However, the authorities have not passed any orders regularising the period of suspension or paid any other attendant benefits. Hence, the present writ petition.

4. Though the authorities have closed the charge memo and recalled the final orders passed based upon the charge memo, the suspension period between 01.10.2004 and 30.06.2006 has not been regularised. The pensionary benefits and other benefits arising out of said period has also not been disbursed.

5. Considering the above said facts, this Court is of the considered opinion that the respondents should be directed to consider the request of the petitioner and pass orders.



W.P(MD)No.29373 of 2

6. In view of the above said facts, the respondents are directed to regularise the period of suspension prior to retirement and pay all other attendant benefits arising out of regularisation of the suspension period within a period of twelve (12) weeks from the date of receipt of a copy of this order.

7. With the above said direction, this writ petition stands disposed of.

There shall be no order as to costs.

12.12.2023

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

To

1.The Principal Secretary to Government,
The Tamil Nadu State,
Transport Department,
Secretariat,
Chennai.

2.The Managing Director,
Tamil Nadu State Transport Corporation
(Kumbakonam) Limited,
27, New Railway Station Road,
Kumbakonam-612 001.



WEB COPY



W.P(MD)No.29373 of 2

R.VIJAYAKUMAR, J.

BTR

W.P(MD)No.29373 of 2023

12.12.2023