



W.P.(MD)No.15691 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 12.07.2024

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

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P.Murugan

... Petitioner

Vs.

1.The Tamilnadu State Transport Corporation (Tirunelveli) Ltd.,
Represented by its Managing Director,
Tirunelveli.

2.The General Manager,
The Tamilnadu State Transport Corporation (Tirunelveli) Ltd.,
Tirunelveli Region,
Tirunelveli.

3.The Administrator,
The Tamil Nadu Transport Corporation
Employees Pension Fund Trust,
Thiruvalluvar Illam,
Pallavan Salai,
Chennai-02.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order passed by the 2nd respondent in Ref:K.No/18083/NIR10/TNSTC/THILI/2023 dated



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03.01.2024 quash the same and consequently allow the petitioner to retire from service under voluntary retirement scheme 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 the 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.D.Jebaraj
Standing Counsel for R1 & R2
: Mr.S.C.Herold Singh
Standing Counsel for R3

ORDER

Heard Mr.A.Rahul, learned counsel for the petitioner, Mr.D.Jebaraj, learned counsel for the respondents 1 & 2 and Mr.S.C.Herold Singh, learned Standing counsel for the 3rd respondent.

2. The petitioner has filed this writ petition challenging the impugned proceedings of the 2nd respondent in Ref:K.No/18083/



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NIR10/TNSTC/THILI/2023 dated 03.01.2024 and to allow the petitioner to retire from service under voluntary retirement scheme and consequently directing the respondents to settle all the terminal benefits payable to the petitioner.

3. By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

4. The petitioner who had offered Voluntary Retirement was not allowed to retire by stating the reasons of the pending punishment of four years of stoppage of increment. In the impugned order dated 03.01.2024, it is stated that the punishment of stoppage of four years increment cannot be implemented if the petitioner is allowed to retire by accepting his proposal of voluntary retirement.

5. The learned counsel for the petitioner submitted that as the petitioner is suffered from the disease called Wernicke Encephalopathy, which affects the peripheral and central nervous system and resulted short term memory, he could not continue his job as Conductor in the respondent Corporation. Hence, the petitioner submitted an application



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for voluntary retirement on medical grounds to the 2nd respondent on 25.10.2023. The learned counsel further submitted that once the person retires, the punishment would automatically expired and hence the permission to allow him to retire under Voluntary Retirement Scheme cannot be withheld. But such a contingency would arise only when the date of retirement of the individual arise earlier, even before the implementation of the punishment of stoppage of increment. But in the case on hand, it is the petitioner who volunteered himself to foreclose his service. Hence, the respondents cannot be found fault and stating that the punishment still current.

6. The petitioner seems to have diagnose with the serious brain disease and he has issues of short time memory. In such condition if the petitioner is allowed to function, that would affect the interest of both the petitioner as well as the respondent Department. The respondents could have considered the above facts and pass appropriate orders for deducting any amount payable towards implementation of the punishment from the terminal benefits payable to him.



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7. Hence, the respondents 1 and 2 has to take a call for reconsidering the petitioner's request for allowing him to go on Voluntarily Retirement.

8. In view of the above observations, this writ petition is **allowed** and the impugned order dated 03.01.2024 is set aside. The respondents 1 and 2 are directed to consider the application of the petitioner dated 25.10.2023 in the light of the above stated reasons and if any recovery has to be made towards implementing the punishment already imposed on the petitioner, orders can be passed for making due deduction in this regard. No Costs.

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Index : Yes / No
NCC : Yes / No
PJJL

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2.The General Manager,
The Tamilnadu State Transport Corporation (Tirunelveli) Ltd.,



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Tirunelveli Region,
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R.N.MANJULA, J.

PJL

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