



WP.(MD).No.24779 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 15.02.2024

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD)No.24779 of 2022

K.Jeyakumaran

... Petitioner

Vs.

The Commissioner,
Thoothukudi City Municipal Corporation,
Thoothukudi,
Thoothukudi District.

... Respondent

PRAYER : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the Respondent to provide the retirement benefits due to the petitioner with current rate of interest with effect from the date of superannuation i.e. 31.03.2012.

For Petitioner : Mr.S.Louis
For Respondents 1 & 2: Mr.N.Anand Kumar
Standing Counsel

ORDER

This Writ Petition has been filed for issuance of a Writ of Mandamus, to direct the respondent to provide the retirement benefits due to the petitioner with current rate of interest with effect from the date of superannuation i.e. 31.03.2012.



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2.The petitioner was serving as a Revenue Inspector at the respondent Corporation. While in service he was suspended on 19.03.2012 on the allegation of fixation of property tax for a building for the year 2011-2012 against the extant rules. Subsequently, he was visited with charge memo on 23.06.2012 for six counts of charges. The petitioner offered his explanation. Following which, an Enquiry was kept pending from 20.04.2012 to 30.01.2019. However, he was given with subsistence allowance. Finally final order came to be passed in disciplinary proceedings vide proceedings dated 22.06.2019 by imposing a fine of Rs. 25,000/-. The petitioner had fully paid the fine amount. In the meanwhile, the Commissioner of Municipal Administration had issued a no objection certificate vide proceedings dated 03.09.2020 for allowing the petitioner to retire. Despite the same, the petitioner is not allowed to retire so far. Hence, the Writ Petition came to be filed.

3.The learned counsel for the petitioner Mr.S.Louis submitted that in the event of payment of imposed fine of Rs.25,000/-, the respondent ought to have allowed the petitioner to retire. However,



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the same is kept pending endlessly to the plight of the petitioner in his old age. In view of the same, he pressed for allowing the Writ Petition.

4.Per contra the respondent Corporation has filed a counter and the learned Standing Counsel for the respondent Corporation Mr.N.Anand Kumar submitted that the writ petitioner has been paid with subsistence allowance till September 2023. But due to the objection raised by the Assistant Director of Local Fund Audit, Thoothukudi with regard to the proposal of retirement of the writ petitioner, in view of the loss caused by the writ petitioner, to a tune of Rs.16,19,730/- which was alleged to have been appropriated by the writ petitioner, the petitioner was not allowed to retire. In order to compensate the pecuniary loss incurred by the respondent Corporation, the said amount has to be deducted from the lumpsum pension benefits and the monthly pension of the writ petitioner as per the Tamil Nadu Pension Rules, 1978. Hence, the respondent Corporation is not able to permit the petitioner to retire immediately. However, the learned Standing Counsel fairly conceded that the so far no disciplinary proceedings has been initiated as against the petitioner in this regard.



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5.Heard Mr.S.Louis, learned counsel appearing for the petitioner, Mr.N.Anand Kumar, learned Standing Counsel appearing for the respondents and carefully perused the entire materials available on record.

6.The reason attributed by the respondent Corporation for not permitting the petitioner to retire is with respect to certain allegations, which could be dated back to 2018 and thereafter. Though the petitioner had fully paid the fine amount of Rs.25,000/- for the disciplinary proceedings initiated vide charge memo dated 23.06.2012, for certain unheard allegations, which had been put forth by the respondent Corporation in the counter affidavit, the respondent Corporation ought not to have kept the file of the petitioner pending, by not granting appropriate permission for him to retire endlessly. Such an exercise would amount to violation of principles of natural justice that too in the case of a senior citizen. That apart as far as the charge memo dated 23.06.2012 is concerned, the petitioner had already paid the imposed fine amount of Rs.25,000/-. In view of the same, I hereby direct the respondents to provide retirement benefits due to the petitioner with 6%



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interest from the date of superannuation I.e., 31.03.2012 within a period of twelve weeks from the date of receipt of copy of this order. However, liberty is given to the respondent Corporation to proceed as against the petitioner in the manner known to law, if necessary.

7.In view of the above, this Writ Petition stands disposed of.
There shall be no order as to costs.

15.02.2024

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

To

- 1.The Managing Director,
Tamil Nadu State Transport
Corporation (Kumbakonam) Ltd.,
Kumbakonam.
- 2.The General Manager,
The Tamil Nadu State Transport,
Corporation (Kumbakonam) Ltd.,
Karur Region,
Karur.
- 3.The Administrator,
The Tamil Nadu State Transport Corporation,
Employees Pension Trust,
Thiruvalluvar Illam,
Pallavan Salai,
Chennai – 02.

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L.VICTORIA GOWRI, J.

Mrn

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