

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 10.09.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.28497/2015 & MP.Nos.1&2/2015

P.Sekar

... Petitioner

Versus

The Managing Director,
Tamil Nadu State Transport Corporation
[Salem Div.I] Ltd., 12 Ramakrishna Road
Salem 636 007.

.. Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India, seeking for a writ of mandamus directing the respondent to pay the wages of Rs.8,04,723/- towards wages for the period from 01.01.2013 to 16.02.2015 with interest at the rate of 9% p.a. to the petitioner till the date of payment.

For Petitioner : Mr.S.Ayyadurai

For Respondent : Mr.P.Parasivadoss

O R D E R

By consent, the writ petition is taken up for final disposal.

2. The petitioner would state that he joined the services of the respondent/Corporation as driver on 25.09.1991 and he was also the Assistant Secretary of the CITU-led union of the workers of the respondent/Corporation and claims that he was discharging the duty diligently and honestly to the satisfaction of the superior officers.

3. The petitioner would state that the respondent, in order to wreck vengeance, since the petitioner espoused the cause of the workmen, has issued a charge memo on 28.08.2002 alleging that he had put up notice on the notice board containing indecent and derogative remarks against some persons. The petitioner has also submitted his explanation and not satisfied with the same, the

departmental enquiry was ordered which ultimately culminated in the order of dismissal from service on 14.08.2003. The petitioner raised an Industrial Dispute in ID No.492/2004 on the file of the Labour Court, Salem and the Labour Court has upheld the order of dismissal by dismissing the said ID No.492/2004 and the petitioner made a challenge to the same by filing WP.No.31296/2007 and this Court has allowed the writ petition on 16.11.2012 by directing the respondent/Corporation to reinstate the petitioner in service without back wages on or before 31.12.2012. Since the said order was not implemented, the petitioner filed contempt petition in Cont.P.No.3250/2014 and since the petitioner was reinstated in service, the contempt petition was closed. The petitioner, now came forward to file this writ petition, expressing the grievance that the monetary benefits in pursuant to the order of reinstatement has not been paid to him and in this regard, he has submitted a representation dated 15.07.2015 and though it was received and acknowledged, no response is forthcoming and hence, he came forward to file this writ petition.

4. Learned counsel for the petitioner would submit that though the respondent/Corporation claims that as against the order passed in WP.No.31296/2007, writ appeal has been filed, the petitioner, so far, has not received any notice. In all fairness, the respondent/Corporation should have conferred with the petitioner, all financial benefits and hence, prays for appropriate orders.

5. Per contra, Mr.P.Paramasivadosh, learned counsel who accepts notice on behalf of the respondent would submit that since the writ appeal has been filed challenging the order passed in WP.No.31296/2007, further decision has been deferred with regard to the claim all monetary benefit and prays for dismissal of this writ petition.

6. This Court heard the rival submissions made on either side and also perused the materials available on record.

7. Though the petitioner has prayed for a larger relief, this Court, in the light of the above facts and circumstances, directs the respondent to consider and dispose of the petitioner's representation dated 15.07.2015 as well as the reminder dated 12.08.2015 on merits and in accordance with law and pass orders within a period of six weeks from the date of receipt of a copy of this order and communicate the decision taken to the petitioner herein.

8. The writ petition is disposed of accordingly. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

AP

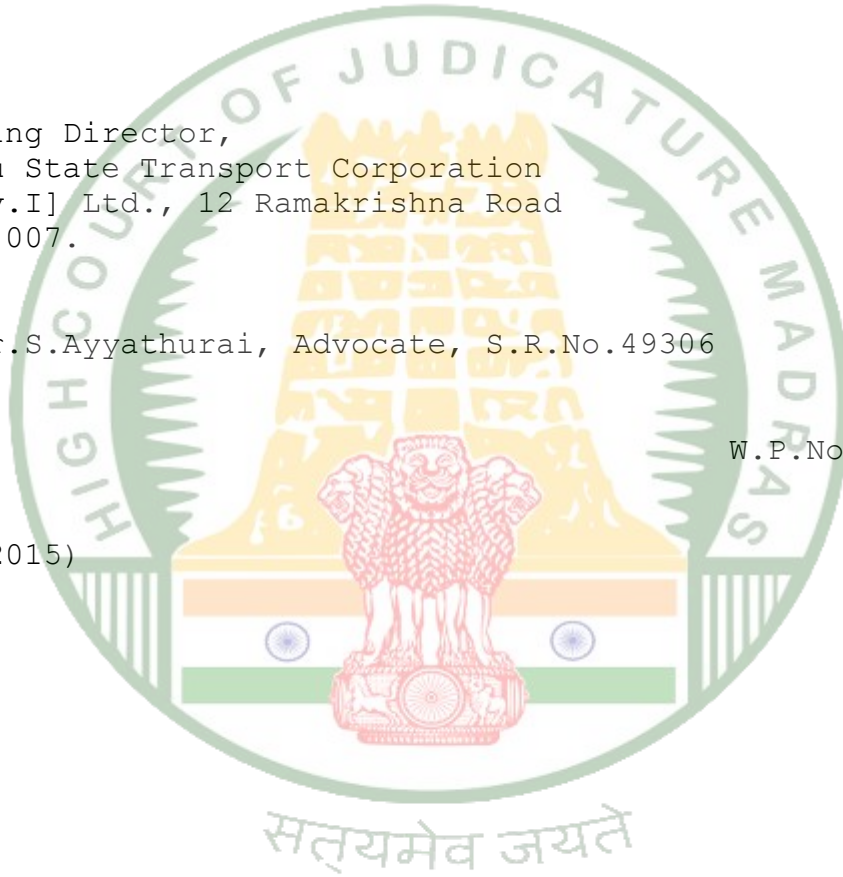
To

The Managing Director,
Tamil Nadu State Transport Corporation
[Salem Div.I] Ltd., 12 Ramakrishna Road
Salem 636 007.

+lcc to Mr.S.Ayyathurai, Advocate, S.R.No.49306

W.P.No.28497 of 2015

JSV(CO)
CA(18/09/2015)



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