

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 26.10.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.33698/2015

N.Natarajan

..Petitioner

Versus

The Managing Director
Metropolitan Transport Corporation
[Chennai] Ltd., Pallavan Salai,
Chennai 600 002.

..Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for a writ of mandamus directing the respondent to consider the representation of the petitioner dated 03.07.2015 and to pay retirement benefits namely Gratuity, pension, P.F. Amount, leave surrender amount, IRT share amount, social security fund, retirement welfare fund, service certificate, bus pass etc to the petitioner.

For Petitioner : Mr.S.Ravi

For Respondent : Mr.P.Paramasivadass

ORDER

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

2 The petitioner would state that he joined the services of the erstwhile Pallavan Transport Corporation as Security Guard on 01.09.1979 and worked in various Depots and vide order dated 05.08.1995, the petitioner was transferred from Ayanavaram Depot to Tondiarpet Depot and worked in the said Depot between 07.08.1995 and 11.04.1996 and thereafter, he was transferred to Vyasarpadi Depot, with effect from 11.04.1996 and while working there, he was placed under suspension on 19.06.1996, which was followed by a Charge memo alleging that there was shortage of diesel and the petitioner, working as Security Guard, has failed to take proper care. The disciplinary proceeding culminated into an order of punishment in reduction of scale of pay to the lowest level of pay for a period of ten years and the departmental appeal preferred by him, was also dismissed on 19.05.2001. An industrial dispute was raised by the petitioner and the Labour

Court, vide Award dated 19.03.2010 made in ID.No.340/2004 has held that the charges levelled against the petitioner have not been proved and in spite of it, the respondent has passed an order on 28.12.2001, recovering the alleged loss of Rs.83,500/- from the petitioner's salary by way of instalments and it was put to challenge in WP.No.3438/2002 and the said writ petition was admitted and an order of interim stay was granted and vide final order dated 06.10.2009, this Court found that the order of recovery passed by the respondent, was a non-speaking order and remanded the matter back for fresh consideration and once again, the show cause notice was issued to the petitioner by the respondent calling upon his explanation as to why the recovery should not be effected from his salary. The petitioner, in response to the same, has submitted his explanation on 07.05.2010 by enclosing a copy of the Award passed by the Labour Court in ID.No.340/2004 and in stead of paying the petitioner with full salary, the Management filed WP.No.24657/2010, challenging the Award passed in ID.No.340/2004 and the same is pending consideration. The grievance now expressed by the petitioner is that though the original order of punishment has lapsed and that the petitioner has retired from service as early as on 30.06.2015 after completing 37 years of service, his statutory entitlements such as Gratuity, pension, P.F. Amount, leave surrender amount, IRT share amount, social security fund, retirement welfare fund, service certificate, bus pass etc., have not been paid. In this regard, the petitioner has submitted a representation dated 03.07.2015 to the respondent followed by a reminder dated 18.09.2015 and since no orders have been passed, he came forward to file this writ petition.

3 This Court heard the submissions of the learned counsel for the petitioner and Mr.P.Paramasivadass, learned Standing counsel who accepts notice on behalf of the respondent.

4 It is relevant to extract the decision rendered by the Madurai Bench of this Court dated 12.06.2015 made in WA [MD] No.383 to 457/2015 [K.Rajendran and Others Vs. Tamilnadu State Transport Corporation, Madurai Limited, represented by the Managing Director, Madurai-10 and others]:-

"The learned Additional Advocate General submits that he has obtained written instructions vide Letter No.7945/B/2015-2 dated 11.06.2015 that the terminal benefits of the appellants would be settled through 12 equal monthly instalments, carrying interest of 6% p.a.

2.The said statement is thus taken on record and the respondents will be bound by

the same. We have to keep in mind the judicial pronouncement of the Hon'ble Supreme Court in D.D.Tewari [D] THR. LRs and others Vs. Uttar Haryana Biili Vitran Nigam Ltd., and Others [2014 [9] SCALE-78], wherein it is held that in case of any delay in making the payment of the instalments, the interest payable would become 18% p.a., for the delayed period apart from any other remedy which may be available to the appellants for non-compliance of undertaking given to this Court.

3.The instalments to be paid from July 2015 and each instalments should be paid on or before 7th of each month. The writ appeals are disposed of accordingly. No costs. Consequently, the connected miscellaneous petitions are closed."

5 This Court, taking into consideration the limited scope of prayer sought for by the petitioner and without going into the merits of the same, directs the respondent to consider and dispose of the petitioner's representation dated 03.07.2015 and the reminder dated 18.09.2015 on merits and in accordance with law, after taking note of the above cited judgment dated 12.06.2015 and pass orders within a further period of eight weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner.

6 The writ petition is disposed of accordingly.
No costs.

sd/
ASSISTANT REGISTRAR (CS-II)

/TRUE COPY/सत्यमेव जयते
SUB-ASSISTANT REGISTRAR

AP

To

The Managing Director
Metropolitan Transport Corporation
[Chennai] Ltd., Pallavan Salai,
Chennai 600 002.

+1 CC to MR.S.Ravi Advocate. SR.NO. 57872

W.P.No.33698/2015

CO-SKV
JD 03/11/2015