

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 29.04.2016

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.16388 of 2016
&
W.M.P.No.14180 of 2016

K.Nagarajan

... Petitioner

Versus

1. The Managing Director,
No.2, State Express Transport Corporation,
No.2, Pallavan Salai,
Chennai.
2. The General Manager,
No.2, State Express Transport Corporation,
No.2, Pallavan Salai,
Chennai.

... Respondents

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Mandamus, to direct the respondents to count the period of service from 12.06.1996 to 22.04.2002, and to re-designate the petitioner as a Junior Assistant (Working Group) from the date of joining and to grant the petitioner benefit of periodical reviews, increments, bonus along with all other service benefits and also to grant backwages as per the order of this Court in W.P.No.9509 of 1997, dated 13.11.1998 and to take action against the respondents as under Section 34 of the Industrial Disputes Act, 1947.

For Petitioner : Mr.S.Mohan

For Respondents : Mr.P.Paramasivadoss

O R D E R

Heard Mr.S.Mohan, learned counsel appearing for the petitioner and Mr.P.Paramasivadoss, learned counsel, accepting notice on behalf of respondents. With the consent of the learned counsel on either side, the Writ Petition is taken up for final disposal.

2. The petitioner has filed this Writ Petition, for issuance of a Writ of Mandamus, to direct the respondents to count the period of service from 12.06.1996 to 22.04.2002, and to re-designate him as a Junior Assistant (Working Group) from the date of joining and to grant him benefit of periodical reviews, increments, bonus along with all other service benefits and also to grant backwages as per the order of this Court in W.P.No.9509 of 1997, dated 13.11.1998 and to take action against the respondents under Section 34 of the Industrial Disputes Act, 1947.

3. The petitioner was appointed as a Junior Assistant on 13.03.1996 and was designated to work at the Purchase Section in the Head Office by order dated 19.03.1996. The petitioner was dismissed from service on administrative grounds, by an order dated 12.09.1996, which was challenged by the petitioner in W.P.No.9509 of 1997, which was allowed, by an order dated 13.11.1998. As against which, the respondents preferred Writ Appeal in W.A.No.1289 of 2001, which was dismissed by the Hon'ble Division Bench, by judgment dated 05.09.2001 and the Appeal filed by the respondents before the Hon'ble Supreme Court in SLP (C) No.3294 of 2002 was also dismissed by an order dated 22.02.2002. Thereafter, the petitioner was reinstated in service on 22.04.2002 and his service was confirmed on 19.02.2003.

4. Now, the petitioner has filed this Writ Petition, claiming for consequential benefits. In the light of the order passed by this Court in W.P.No.9509 of 1997 and the order of termination having been quashed, the petitioner is entitled to all benefits. The order having been affirmed by the Hon'ble Division Bench and the Special Leave Petition also having been dismissed, the respondents are bound to implement the order in its letter and spirit.

5. In view of the above, there will be a direction to the first respondent to consider the petitioner's representation and extend all benefits payable to the petitioner in the light of the order passed by this Court in the earlier round of litigation, within a period of three months from the date of receipt of a copy of this order.

With the above direction, the Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

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To

1. The Managing Director,
No.2, State Express Transport Corporation,
No.2, Pallavan Salai,
Chennai.
2. The General Manager,
No.2, State Express Transport Corporation,
No.2, Pallavan Salai,
Chennai.

+1cc to Mr.S.Mohan, Advocate, S.R.No.27244

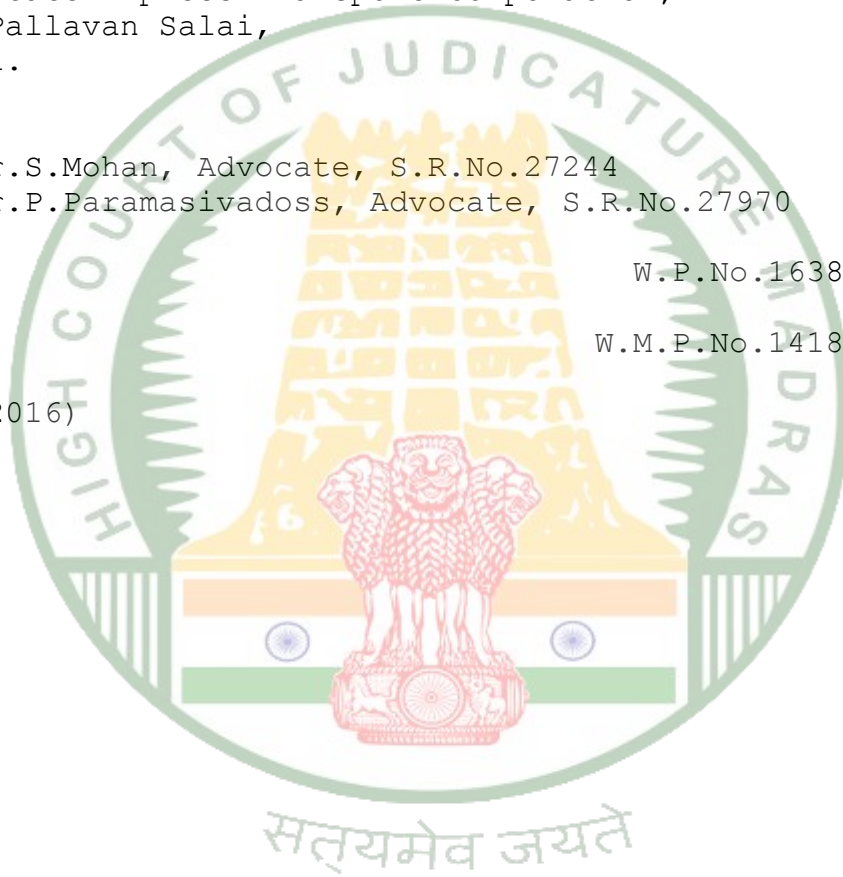
+1cc to Mr.P.Paramasivadosh, Advocate, S.R.No.27970

W.P.No.16388 of 2016

&

W.M.P.No.14180 of 2016

CA(CO)
CA(25/05/2016)



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