

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:18.02.2016

CORAM:

THE HON'BLE MR. JUSTICE T.RAJA

W.P.No.5846 of 2016

T.Lakshmikanthan

.. Petitioner

Vs

1. The Managing Director
Metropolitan Transport Corporation (Chennai) Ltd.,
Pallavan Illam, Anna Salai, Chennai 600 0 02
2. The Administrator
Tamil Nadu Government Transport
Corporation Employees Pension Fund Trust
No.2, Pallavan Salai, Thiruvalluvar Illam,
Chennai -600 002.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a Writ of Mandamus directing the first respondent Management to grant pay protection with continuity of service, back wages and other attendant benefits from 11.11.1994 to the petitioner in accordance with Section 47 of Persons with Disabilities (Equal opportunities, Protection of Rights and Full Participation) Act 1995 and to revise the pension from the date of retirement.

For petitioner : Mr.S.T.Varadarajulu
For R1 and R2 : Mr.P.Kannankumar

O R D E R

The writ petition is filed by T.Lakshmikanthan, seeking a writ of mandamus to direct the first respondent Management to grant him pay protection with continuity of service, back wages and other attendant benefits from 11.11.1994 in accordance with Section 47 of the Persons with Disabilities (Equal opportunities, Protection of Rights and Full Participation) Act 1995 and to revise pension from the date of retirement.

2. This Court is not able to find any merit in the writ petition. The reason is that the petitioner was originally discharged from the post of Conductor on 11.11.1994 based on the Certificate issued by the Medical Board disqualifying him to continue in the said post. Thereafter, he was again given fresh

appointment in the post of Non-ITI-Helper on 10.3.1995 in the time scale of pay of Rs.990-15-1350. However, the petitioner has given representation only on 22.8.2002 requesting to give him pay protection.

3. It is an admitted fact that the petitioner has not taken any steps seeking for the relief of pay protection after his fresh appointment i.e between the period 1995 and 2002 and subsequently, he also retired from service on 31.5.2011. Therefore, since the petitioner did not pursue the matter at the appropriate time by taking suitable steps in the manner known to law, his claim became stale.

Accordingly, the writ petition stands dismissed being devoid of merits. No costs. Consequently, connected miscellaneous petition is closed.
ga

s/d-
Assistant Registrar(CS-VII)

True Copy

Sub-Assistant Registrar

To

1. The Managing Director
Metropolitan Transport Corporation (Chennai) Ltd.,
Pallavan Illam, Anna Salai, Chennai 600 0 02.
2. The Administrator
Tamil Nadu Government Transport
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No.2, Pallavan Salai, Thiruvalluvar Illam,
Chennai -600 002.

+ 1 cc to Mr.S.T.Varadarajulu, Advocate SR 10599

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सत्यमेव जयते

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