

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 05.01.2017

Coram

The Honourable Mr. JUSTICE M.SATHYANARAYANAN

Writ Petition No.273 of 2017

Vijayarangan

... Petitioner

-Vs-

The Managing Director,
The Tamil Nadu State Transport Corporation,
Villupuram Division-II,
Rangapuram,
Vellore - 632 009

...Respondent

Writ Petition has been filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus to direct the respondent to pay the pension amount for the period of unlawful suspension and dismissal from 20.05.1993 to 17.11.2000 and to pay the proper pension on proper calculation and further direct the respondent to release his benefits immediately.

For Petitioner : Mr.D.Parthasarathy
for M/s.Best Law Firm

For Respondent : Mr.P.Kannan Kumar

O R D E R

By consent, the writ petition is taken up for final disposal. Mr.P.Kannankumar, learned standing counsel accepts notice for the respondent Transport Corporation.

2. The petitioner would aver that he is a retired driver of the respondent Corporation and he served in the said capacity between 26.07.1985 to 30.06.2000. The petitioner further submitted that during the course of his service, he was suspended and later on dismissed from service. Challenging the same, he raised Industrial Dispute in I.D.No.321 of 1994 before the Labour Court, Vellore and vide award dated 17.11.2000, he was reinstated in service with full backwages and with all other consequential attendant and monetary benefits.

3. The Transport Corporation, aggrieved by the same, has filed W.P.No.6968 of 2001 which also came to be dismissed on 08.07.2009. The grievance expressed by the petitioner is that subsequently, he had received 50% of the backwages after deducting his share of deposit in the Provident Fund, however, the Provident Fund of Rs.19,705/- has not been deposited. That apart, the salary payable between the date of suspension till date of dismissal from service i.e., from 20.05.1993 to 17.11.2000 has not been paid. In this regard, the petitioner repeatedly approached the respondent. Since, he is yet to be favoured with any kind of response, he came forward to file this writ petition.

4. Learned counsel appearing for the petitioner would submit that the respondent has also sent a letter dated 22.03.2016 stating that the gratuity is being paid to the retired employees as per the financial position and the petitioner will also be offered with the said benefits and insofar as the other prayer made by the petitioner is concerned, no response is forthcoming and hence, the petitioner has filed this writ petition.

5. This Court, heard the submission of Mr.P.Kannankumar, learned standing counsel appearing for the Transport Corporation.

6. Though the petitioner prayed for a larger relief, this Court, in the light of the above facts and circumstances and without going into the merits of the claim projected by the petitioner, directs the respondent to consider the claim of the petitioner as to the entitlement of the petitioner to receive the salary between 20.05.1993 and 17.11.2000 on merits and in accordance with law and pass orders within a period of ten weeks from the date of receipt of a copy of the order and communicate the decision taken to the petitioner. The writ petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

vsi

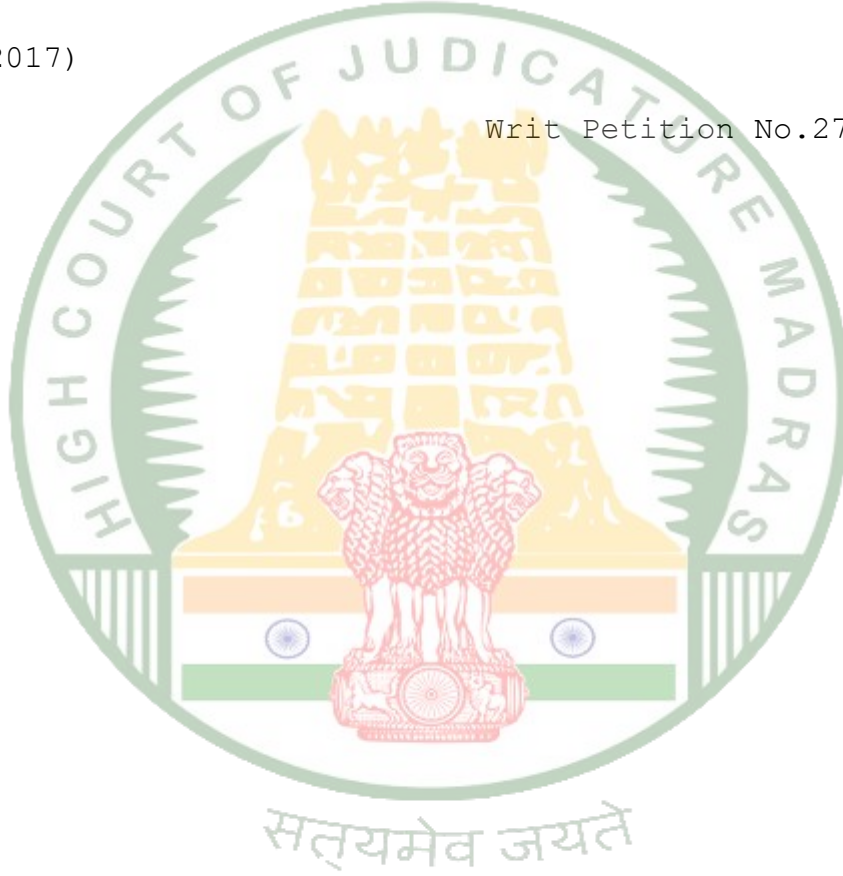
To

The Managing Director,
The Tamil Nadu State Transport Corporation,
Villupuram Division-II,
Rangapuram, Vellore - 632 009

+1cc to Mr.Parthasarathy, Advocate, S.R.No.1070
+1cc to Mr.Kannan kumar, Advocate, S.R.No. 1923

CP (CO)
RS (25/01/2017)

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