



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.06.2017

CORAM:

THE HONOURABLE MR.JUSTICE **T.S.SIVAGNANAM**

AND

THE HONOURABLE MR.JUSTICE **P.VELMURUGAN**

W.A. [MD] .No.566 of 2017

and

C.M.P(MD) NO.4709 of 2017

1. Tamil Nadu State Transport Corporation,
[Kumbakonam] Limited,
Rep by its Managing Director,
No.27, New Railway Feeder Road,
Kumbakonam 612 001.
2. The General Manager,
Law Department,
Tamil Nadu State Transport Corporation,
[Kumbakonam] Limited,
Karaikudi Region, Karaikudi. : Appellants

Vs.

1. J.V.Viswanathan
2. The State of Tamil Nadu,
Represented by its Commissioner,
Secretary to Government, Transport Department,
Fort.St.George, Chennai 600 009.
3. The Administrator,
Tamil Nadu State Transport Corporation Pension Fund Trust,
Pallavan Salai, Chennai 2. : Respondents

PRAYER : Writ Appeal is filed under Clause 15 of the Letters Patent against the order dated 26.06.2014 made in W.P.(MD).No.5000 of 2011, on the file of this Court.

Prayer in WP(MD) . 5000/ 2011 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus or any other Writ or Order or Direction in the nature of writ calling for the records pertaining to the resolution No.371 dated 27.9.2010 passed by the Board of directors of INSIC (Kumbakonam)Ltd., and consequential impugned order passed by the 3rd respondent in Reference No.Th.A.Po.Ka/ Sattam/Sa1/631

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appellants,

26.06.2014 made in W.P.(MD).No.5000 of 2011. The said Writ Petition was filed by the first respondent herein. The first respondent herein questioned the order passed by the appellant dated 17.02.2011 in and by which, the claim made by the first respondent was rejected stating that the first respondent had retired from service with effect from 31.08.2010 and the benefit of re-designation as Junior Assistant cannot be extended to such a retired employee. The Writ Court, after taking into consideration the earlier order passed in the Review Petition in R.A.(MD).No.24 of 2007, dated 15.04.2008, allowed the Writ Petition. It is not in dispute that the order passed in the Review Application has become final and the direction has also been implemented in respect of other similarly placed persons. Therefore, there cannot be any discrimination on the said aspect and the first respondent/Writ

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attained finality and the order having been implemented, whatever monetary benefits, which were extended to other similarly placed employees shall be extended to the first respondent herein also.

4. With the above observation, the Writ Appeal is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-II)

/True copy/

Sub Assistant Registrar

To:

1. The Managing Director,
Tamil Nadu State Transport Corporation,
[Kumbakonam] Limited,
No.27, New Railway Feeder Road,
Kumbakonam 612 001.
2. The General Manager,
Law Department,
Tamil Nadu State Transport Corporation,
[Kumbakonam] Limited,
Karaikudi Region, Karaikudi.
3. The Commissioner,
State of Tamil Nadu,
Secretary to Government, Transport Department,
Fort.St.George, Chennai 600 009.
4. The Administrator,
Tamil Nadu State Transport Corporation Pension Fund Trust,
Pallavan Salai, Chennai 2.

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PSM/GT/SAR2/21.06.2017/3P/5C

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