

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.08.2018

CORAM

THE HON'BLE DR.JUSTICE S.VIMALA

W.P.NO.20971 of 2018

P.Mohan

..Petitioner

Vs

Managing Director
Tamil Nadu State Transport
Corporation (VPM) Ltd.
Kancheepuram Region, Ponnerikarai,
Kancheepuram District.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondent to pay the backwages with continuity of service, other attendant benefits and settle the terminal benefits to the petitioner within a time frame.

For Petitioner : Mr.N.Sundaramurthy
For Respondent : Mr.K.Kulandaivelu
for Mr.A.Antony Arockiaraj

O R D E R

This writ petition has been filed seeking direction to the respondent to pay the retirement (terminal) benefits due to the petitioner along with backwages.

2. The brief facts leading to the filing of the present writ petition is that the petitioner was appointed as Conductor in Pattukkottai Azhagiri Transport Corporation, Villupuram on 15.04.1986 and was later on transferred to the respondent corporation. On 12.08.1998, while the petitioner was on duty, the bus met with an accident and the petitioner sustained injuries to his head, legs, hands and spinal cord. The petitioner made a representation dated 23.01.2011 to the General Manager to provide him alternative employment under the Disability Act, 1995, for which there was no response from the management. While so, a charge memo was served on the petitioner on his alleged absence intermittently. He participated in the enquiry and deposed that he could not attend duty regularly as he fell sick due to the injuries sustained during the accident.

However, the management, without considering his plea, dismissed him from service on 02.11.2012. The management filed Approval Petition No.271 of 2012 before the Special Deputy Commissioner. The Approval petition was rejected on 24.04.2016. In the meantime, the petitioner reached superannuation on 31.07.2016. Therefore, the petitioner made a representation on 16.08.2016 seeking the management to settle all his backwages considering the continuity of service in respect of which there is no reply by the respondent. Hence, the petitioner has approached this Court seeking direction to the respondent to pay the backwages, continuity of service, other attendant benefits and to settle the terminal benefits to the petitioner.

3. In respect of the other retirement benefits, there cannot be any dispute about the quantum payable. Insofar as the backwages are concerned, the petitioner is expected to prove that he was not gainfully employed elsewhere. Therefore, excepting the claim for backwages, which has to be decided by the management, all other retirement benefits shall be disbursed to the petitioner within a period of four weeks from the date of receipt of a copy of this order.

4. However, learned counsel appearing for the respondent would submit that there is a possibility of the respondent having filed any appeal.

5. In such circumstances, it is made clear that if any appeal had been filed, and taken on file the enforcement of this order shall be kept in abeyance and this enforcement is subject to the result of the appeal.

6. With the above directions, the writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar (CS)

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Sub Assistant Registrar

kst

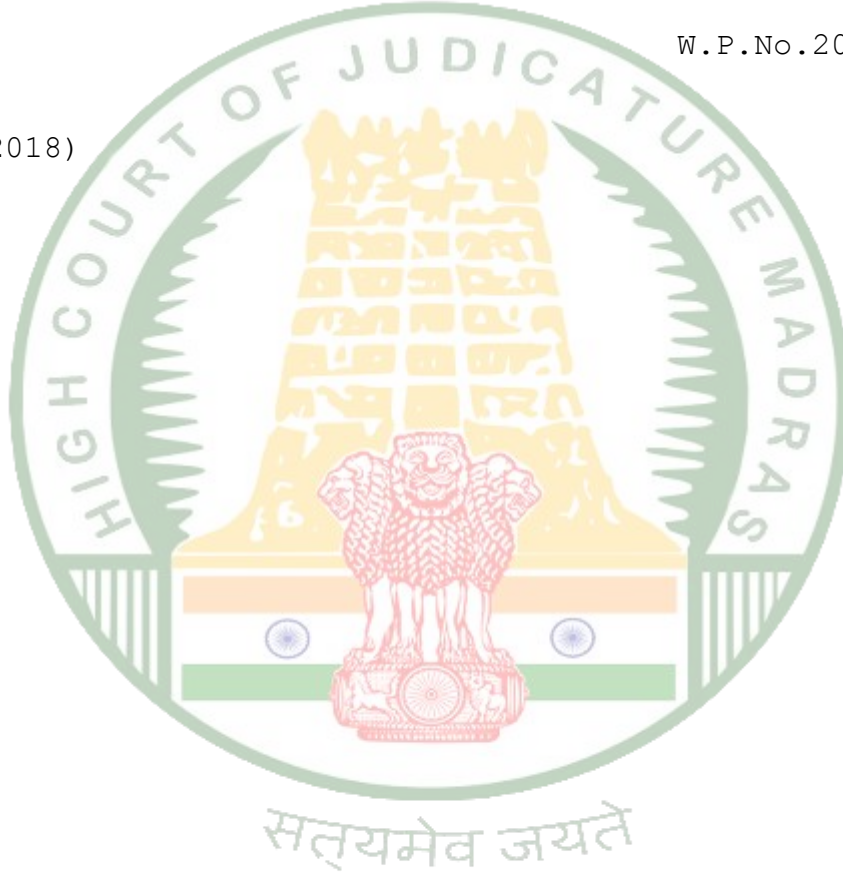
To

Managing Director
Tamil Nadu State Transport Corporation (VPM) Ltd.
Kancheepuram Region, Ponnerikarai,
Kancheepuram District.

+ 1 cc to Mr. N. Sundaramurthy, Advocate Sr.55887

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RK(CO)
EU(27/09/2018)



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