

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.08.2018

CORAM

THE HON'BLE DR.JUSTICE S.VIMALA

W.P.NO.20980 of 2018

K.Namasivayam

....

Petitioner

Vs

Managing Director

Tamil Nadu State Transport Corporation (VPM) Ltd.

Villuppuram.

....

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 Thanthai Periyar Transport Corporation, Villupuram on 27.09.1999 and that a charge memo dated 13.09.2010 was served on him in respect of alleged ticket irregularity. Consequently, he was dismissed from service on 28.12.2011. The management filed the approval petition No.3 of 2012 before the Special Deputy Commissioner. In the meantime, the petitioner reached superannuation on 31.05.2015. The approval petition was rejected on 1.1.2018 since one month's full wages was not paid. Once the approval petition got rejected, the dismissal became ineffective. Therefore, the petitioner made a representation on 22.01.2018 seeking the benefits arising on account of grant of continuity of service and backwages, for which there was no reply by the respondent. Hence, the petitioner has approached this Court seeking direction to the respondent to pay the backwages, continuity of service and 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 IV)

//True Copy//

Sub Assistant Registrar

kst

To

Managing Director

Tamil Nadu State Transport Corporation (VPM) Ltd.

Villuppuram.

+1cc to Mr.N.Sundaramoorthy, Advocate SR.NO.55886

RK(co)

sm:17.9.2018

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