

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.02.2018

CORAM:

THE HONOURABLE MR. JUSTICE T.RAJA

W.P.No.2273 of 2018

S.Krishnamoorthy

.. Petitioner

Vs

1. M/s.Tamil Nadu State Transport Corporation
Employees Provident Fund Trust,
Rep. by its Administrator,
No.2, Pallavan Salai, Chennai-600 002.

2.M/s.State Express Transport Corporation Ltd.,
Rep. by its Managing Director,
No.2, Pallavan Salai, Chennai-600 002.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of Mandamus directing the respondents to recover the gratuity amount already paid to the petitioner in the cadre of Helper (Fitter) and to credit the same in the gratuity account in the present cadre and to confer the consequential benefits in the light of the orders passed by the Division Bench of this court in W.A.No.1059 of 2001, dated 27.01.2004 and in terms of Rule 36(2) and (3) of the Common Service Rule taking into consideration of the petitioner's representations including the one dated 17.08.2017.

For Petitioner : Mr.D.Soundarraaj

For Respondents : Mr.A.Antony Arockia Raja
standing counsel for R1 & R2

O R D E R

This Writ Petition has been filed seeking for a direction to the the respondents to recover the gratuity amount already paid to the petitioner in the cadre of Helper (Fitter) and to credit the same in the gratuity account in the present cadre and to confer the consequential benefits in the light of the orders passed by the Division Bench of this court in W.A.No.1059 of 2001, dated 27.01.2004 and in terms of Rule 36(2) and (3) of the Common Service Rule taking into consideration of the petitioner's representations including the one dated 17.08.2017.

2. Heard the learned counsel for the petitioner as well as learned standing counsel counsel for the respondents 1 and 2.

3. It is seen that the petitioner was initially appointed as helper (fitter) in erstwhile Tiruvallur Transport Corporation Limited on 01.12.1980 and he was promoted as Junior Engineer after resigning the previous post on 30.01.1998. He was further promoted as Assistant Engineer, Senior Engineer and Selection Grade Senior Assistant Engineer and retired from service on 30.06.2016. When the Respondents recovered some amount from the petitioner for gratuity in the post of helper (fitter), the same may be directed to be recovered from the petitioner and be paid in the gratuity account in the present cadre. Whiles, It is not known how the petitioner has approached this Court after a long delay and no explanation is forthcoming from the petitioner for such a long delay. It is also not known whether the records of the petitioner are kept in custody of the Transport Corporation, in view of long passage of time. Firstly gratuity amounts were recovered from the petitioner while serving as helper in the year 1980. Secondly, the order was passed in W.A.No.1059 of 2001 on 27.01.2004. Therefore, due to long lapse of time the prayer is refused.

4. In view of the aforesaid reasons, this Writ Petition is dismissed. No costs.

Sd/-

Assistant Registrar(CS V)

//True copy//

Sub Assistant Registrar

arr

To

1. The Administrator,
Tamil Nadu State Transport Corporation
Employees Provident Fund Trust,
No.2, Pallavan Salai, Chennai-600 002.

2.The Managing Director,
State Express Transport Corporation Ltd.,
No.2, Pallavan Salai, Chennai-600 002.

+1cc to Mr.Antony Arockiaraj, Standing Counsel for TNSTC SR.No.8496
+1cc to Mr.D.Soundar Raj, Advocate SR.No.8058

W.P.No.2273 of 2018

GN(12/03/2018)