

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.11.2018

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

WP.No.30987 of 2018
WMP.No.36131 of 2018

S.Radhakrishnan, Driver
Metropolitan Transport Corporation, Chennai-122

..Petitioner

Vs

The General Manager, Metropolitan
Transport Corporation, Chennai-2
Respondent

..

Prayer:- This Writ Petition is filed, under the Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the Respondent to consider and pass orders on the representation of the Petitioner, dated 15.09.2018, requesting for payment from the Respondent of a sum of Rs.58,25,676.68/- payable to the Petitioner towards balance amount of back wages and other attendant benefits directed to be paid by the I Additional Labour Court, Chennai, vide award dated 25.04.2006, passed in ID.No.633 of 1999, with interest thereon as requested in the said representation and for release of the Petitioner's terminal benefits, such as, pension, death-cum retirement gratuity, surrender leave salary, accumulated became payable to the Petitioner as on the date of his retirement i.e. on 30.12.2012 with further interest at 12% per annum from 01.08.2018 till the date of payment.

For Petitioner : Mr.R.Parthasarathy

For Respondent : Mr.P.Kannankumar, Standing Counsel

ORDER

By consent of the learned counsel on either side, this Writ Petition is taken up for final disposal, at the admission stage itself. Mr.P.Kannankumar, learned standing counsel takes notice for the Respondent.

2. This Court heard the learned counsel on either side and also perused the materials placed on record.

3. According to the learned counsel for the Petitioner, the Petitioner, who was working as a Driver in the Respondent Corporation, was dismissed from service, with effect from 29.12.1996 and the said dismissal was challenged by the Petitioner in ID.No.633 of 1999 before the I Additional Labour Court, Chennai, which had passed an award dated 25.04.2006, setting aside the said order of dismissal and directed the Respondent to reinstate the Petitioner into service, with all back wages and all other attendant benefits. The Writ Petition in WP.No.34564 of 2007 filed by the Respondent, challenging the said award, was also dismissed. Thereafter, the Petitioner had made several representations to the Respondent to pay the Petitioner the total back wages and other attendant benefits. In the mean while, the Petitioner had also retired on superannuation on 30.12.2012. However, he was not paid the retirement benefits. Hence, again the Petitioner had made a representation dated 15.09.2018, to the Respondent, seeking retirement benefits. However, neither the Petitioner was paid the retirement benefits nor the said representation was disposed of. Hence, this Writ Petition has been filed, seeking the reliefs as stated above.

4. The learned counsel for the Respondent has fairly submitted that the said representation of the Petitioner shall be considered and disposed of, on merits and in accordance with law, within a period to be specified by this Court.

5. Considering the facts and circumstances of the case and the limited scope of the prayer sought for in this Writ Petition, without going into the merits of the case, the Respondent is directed to consider and dispose of the representation of the Petitioner, dated 15.09.2018, on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.

6. With the above directions, this Writ Petition is disposed of. No costs. Consequently, the connected MP is closed.

-s/d-

Assistant Registrar(CCC)

True Copy

Sub-Assistant Registrar

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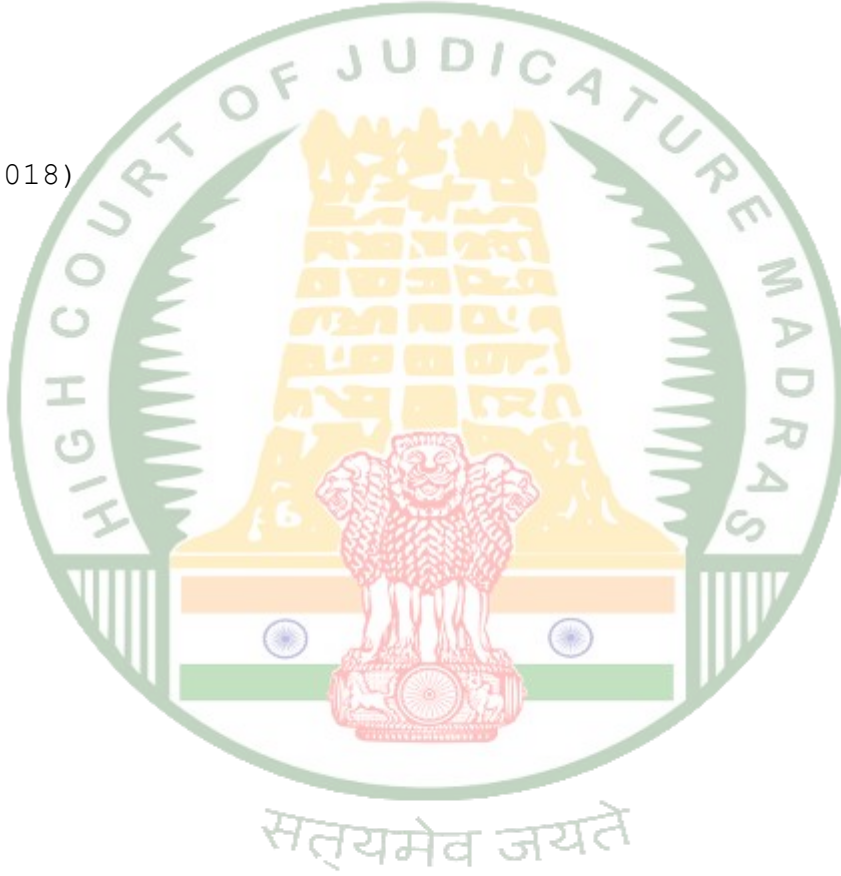
To

The General Manager, Metropolitan
Transport Corporation, Chennai-2

+1 CC to Mr.P.Kannankumar, Advocate sr 81132.
+1 CC to Mr.R.Parthasarathy, Advocate sr 81817.

WP.No.30987 of 2018

RR(CO)
SP(21/12/2018)



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