

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.01.2019

CORAM

THE HON'BLE MR.JUSTICE R.MAHADEVAN

W.P.No.1956 of 2019

P.Murthy

... Petitioner

Vs

1.The Managing Director,  
Metropolitan Transport  
Corporation (Chennai) Ltd,  
Pallavan illam,  
Anna Salai, Chennai-600 002.

2.The Administrator,  
Tamil Nadu State Transport Corporation,  
Employees pension Fund Trust,  
Pallavan Salai,  
Chennai-600 002.

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India seeking a writ of Mandamus directing the respondents to fix correct basic pay on the date of reinstatement on 29.05.2012 and to revise the pension of the petitioner taking note of his entire service and correct wage payable to him.

For Petitioner : Mr.S.T.Varadarajulu

O R D E R

According to the petitioner, he joined the service of the respondent Corporation in the year 1975 as an apprentice; and his service was confirmed in December 1977 as Fitter III; and he retired from service on 31.07.2012. While he was in service, he raised an Industrial Dispute in ID.No.547 of 1997 against the order of dismissal passed against him. The Labour Court, vide award dated 26.03.2003, set aside the order of dismissal and directed the respondents to reinstate the petitioner in service with continuity of service, backwages and other attendant

benefits. Thereafter, at the instance of the respondents, as per the order of this Court passed in WP.No.22684 of 2004, the said award was modified only in respect of backwages. However, the respondents have not fixed his pay, on the date of reinstatement in service, pursuant to the award passed by the Labour Court. It is also the grievance of the petitioner that his entire service has not been taken into consideration, while calculating pension. In this regard, he submitted various representations to the respondents and the last one was on 26.10.2018. However, none of the representations were considered by the respondents. Hence, the petitioner has come up with this writ petition, seeking a direction to the respondents to fix correct basic pay on the date of his reinstatement i.e., on 29.05.2012 and pay revised pension, taking note of his entire service, to him.

2.Heard the learned counsel for the petitioner, who submitted that it would suffice, if a direction is given to the respondents to consider the petitioner's detailed representation dated 24.09.2017 and pass appropriate orders, on merits and as per law, within a time frame to be fixed by this Court.

3.Considering the limited nature of the relief now sought by the learned counsel for the petitioner, this Court, without issuing formal notice to the respondents, directs them to consider the representation of the petitioner dated 24.09.2017 and pass appropriate orders on merits and in accordance with law, after affording an opportunity of personal hearing to the petitioner, within a period of eight weeks from the date of receipt of a copy of this order.

4.This writ petition is disposed of, in the above terms. No costs.

Sd/-

सत्यमेव जयते  
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1.The Managing Director,  
Metropolitan Transport  
Corporation (Chennai) Ltd,  
Pallavan illam,  
Anna Salai,  
Chennai-600 002.

2.The Administrator,  
Tamil Nadu State Transport Corporation,  
Employees pension Fund Trust,  
Pallavan Salai, Chennai-600 002.

+1 cc to Mr.S.T.Varadarajulu, Advocate Sr.No.7868

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AK(CO)  
CSL/06.03.2019



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