

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.09.2019

CORAM

THE HONOURABLE Mr. JUSTICE M. DHANDAPANI
W.P.No.21217 of 2019

N. Asokan

... Petitioner

vs

1.The Managing Director,
State Express Transport Corporation (TN) Limited,
Pallavan Salai,
Chennai - 600 002.

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

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to implement the Board Resolution Nos.24 and 40, dated 29.06.2016 and consequently, direct the 1st respondent to pay 12% Provident Fund Employer Contribution to the 2nd respondent for the period from 25.04.1996 to 05.08.2008 and to pay the pension for the service period of 29 years and disburse the arrears of pension, the arrears of salary from 06.08.2008 to 20.10.2012 in the revised scale of pay, after fixing his seniority in the Selection Grade Assistant Manager/Deputy Manager cadre in accordance with rules with 12% interest from the date of amount due to till date of payment.

For Petitioner : Mr.R. Arumugam

For Respondents : Ms.R. Janaki,
Additional Government Pleader

ORDER

The case of the petitioner is that the petitioner joined as Assistant Engineer Trainee in the respondent Corporation in the year 1985 and promoted as Assistant Manager and posted as Depot Manager - III on 29.12.1994. In his absence, a vehicle was despatched by the Depot Manager - IV on 05.09.1995 and based on the report given by the petitioner, a disciplinary action was initiated against 8 employees on 16.09.1995. Further, the petitioner was placed under suspension on 19.09.1995 and after conducting enquiry, he was dismissed from service on 24.04.1996. Aggrieved over the same, the petitioner has filed W.P.No.5471 of 1997 before this Court and this Court by order dated 12.09.2003 set aside the dismissal order and directed to impose lesser punishment other than dismissal. Challenging the same, the petitioner filed W.P.No.31960 of 2005 and this Court by order dated 16.04.2008 directed to issue revised order in the light of the earlier order.

2. Thereafter, the petitioner was reinstated as Assistant Manager with continuity of service without backwages. Hence, he made a representation to the respondent on 23.07.2008 for proper order but, the same was not considered by the respondents. Thereafter, he filed another Writ Petition in which this Court by order dated 31.01.2011 directed to consider the representation on merits. On that basis, the representation was placed before the Finance Committee and after getting an undertaking from the petitioner on 01.09.2012, a revised order was passed on 05.11.2012. Since the said order was not correctly passed, the petitioner sent a representation to pass correct orders on 29.04.2016 and the Board passed two Resolutions on 29.06.2016 authorizing the 1st respondent to pay 12% P.F. Contribution and sanction arrears of salary to the petitioner.

3. In the meanwhile, the petitioner retired from service on 30.06.2016, however, the respondents failed to implement the Resolutions passed by the Board. Hence, he sent a representation on 05.05.2017 and thereafter, Gratuity was paid for 29 years of service on 10.07.2017. After getting copies of Board Resolutions, he sent a representation on 03.08.2018 but no reply was received and again he sent another representation on 29.09.2018 to the respondents. Aggrieved over the same, this petition has been filed to implement the two Board Resolutions for getting full

pension and other benefits.

4.Mrs.Janaki, learned Additional Government Pleader appearing for the respondents conceded to the limited request made by the learned counsel for the petitioner.

5.Without expressing any opinion on merits of the case and considering the limited request made by the learned counsel for the petitioner, I am inclined to issue direction to the 1st respondent to consider the representation dated 29.09.2018 submitted by the petitioners and pass orders within a period of twelve (12) weeks from the date of receipt of a copy of this order.

With the above directions, the Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

mps

To

1.The Managing Director,
State Express Transport Corporation (TN) Limited,
Pallavan Salai,
Chennai - 600 002.

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

+1cc to Mr..Arumugam , Advocate SR.No. 77649

A.SK(08/11/2019)

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