

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.10.2019

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.17335 of 2018

S.Samantham

... Petitioner

Vs.

The Managing Director,
Tamil Nadu State Transport Corporation,
Villupuram Division,
No.3/137, Salamedu, Vazhuthareddy,
Villupuram.

... Respondent

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondent to restore and revise the petitioner's scale of pay with effect from 21.05.2012 and pay the petitioner's scale of pay with effect from 21.05.2012 and pay the petitioner's arrears of wage, increment including the increment deferred during the period of punishment reduction of scale pay suffered by the petitioner and disburse the terminal benefits such as gratuity, pension to the petitioner based on the restored/revised scale of pay of the petitioner and pay its arrears within a stipulated time.

For Petitioner : Mr.P.R.Thiruneelakandan
For Respondents : Mr.V.Prabhakaran
for Mr.A.Antony Arockiaraj

ORDER

By consent, this writ petition is taken up for final disposal.

2.The case of the petitioner is that the petitioner was appointed as a Conductor in the Tamil Nadu State Transport Corporation in the year 1979. Thereafter, the petitioner service was confirmed as a Permanent employee on 01.04.1980. In the year 2007, he was charge sheeted for his unauthorised absence from duty. The respondent appointed an enquiry officer and in the enquiry, charges were proved and the petitioner was imposed with a punishment of reduction of scale of pay for 3 years period with effect from 21.05.2009 and till such time,

he was deferred future increment. The petitioner undergone the punishment and the period of punishment came to an end on 21.05.2012. The grievance now expressed by the petitioner is that though he undergone the punishment and the punishment period was over, the respondent did not restore his scale of pay, increment as well as arrears of increment deferred during the period of punishment from 21.05.2009 to 21.05.2012. In this regard, he has made a representation to the respondent on 24.05.2017. Since no response is forthcoming from the respondents, the petitioner came forward to file this writ petition seeking for a direction to the respondent to restore and revise the petitioner's scale of pay with effect from 21.05.2012 and to pay the petitioner's arrears of wage, increment including the increment deferred during the period of punishment reduction of scale pay suffered by the petitioner and disburse the terminal benefits such as gratuity, pension to the petitioner based on the revised pay scale and to pay its arrears within a stipulated time.

3. The learned counsel for the petitioner submitted that the petitioner was already retired from service on 30.06.2012 and he is yet to be paid with his gratuity, pension and arrears of salary as per revised scale of pay for which he is entitled to.

4. The learned counsel appearing for the respondent submitted that already retirement benefits were settled in favour of the petitioner and the petitioner now claims for revision of pay scale and the same cannot be considered after a period of seven years and prays for dismissal of this writ petition.

5. Considering the facts and circumstances of the case, the petitioner was retired in the year 2012 and a representation was made after a period of seven years for non-payment of terminal benefits as per revised scale of pay, which does not contain the relevant details. This Court does not find any genuineness on the request made by the petitioner and accordingly, this writ petition is dismissed. Liberty is granted to the petitioner to make a fresh detailed representation within a period of four weeks. The respondent on receipt of such representation, shall consider and pass orders in accordance with law within a period of four weeks, thereafter. No costs.

Sd/-
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

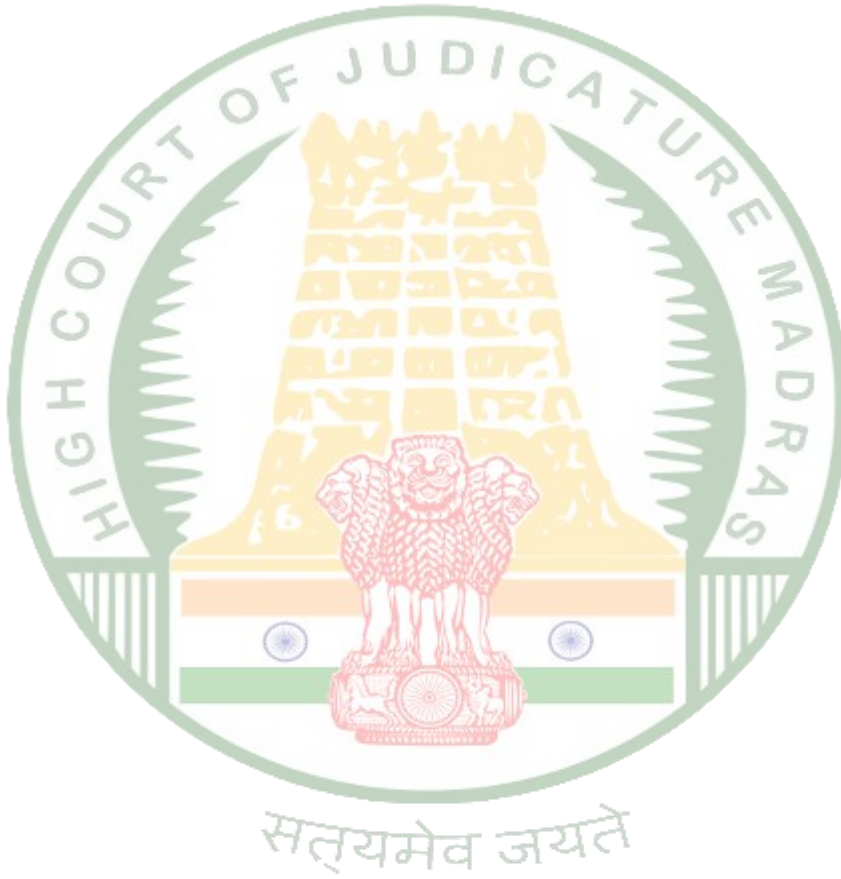
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To

The Managing Director,
Tamil Nadu State Transport Corporation,
Villupuram Division,
No.3/137, Salamedu, Vazhuthareddy,
Villupuram.

W.P.No.17335 of 2018

A.SK(28/11/2019)



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