

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.10.2019

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.19240 of 2019

K.Jayaraj

...Petitioner

vs.

1.The Managing Director,
Tamilnadu State Transport
Corporation (Tirunelveli) Ltd.,
Tirunelveli.

2.The Administrator,
Tamilnadu State Transport
Corporation, Pension Fund Trust,
Tiruvalluvar House,
Pallavan Salai,
Chennai - 600 002.

...Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, seeking for the issuance of a Writ of Mandamus, to direct the respondents to sanction pension and pay pension arrears of the petitioner within a time frame.

For Petitioner : Mr.N.Sundaramurthy

For Respondents : Ms.Rajeni Ramadass

ORDER

The Writ Petition has been filed by the petitioner seeking direction to direct the respondents to sanction pension and pay pension arrears of the petitioner within a time frame.

2.The case of the petitioner is that the petitioner was worked as Driver and dismissed from the service of the Respondent Corporation for not attending the duty in the year 2004. Thereafter, the respondent Corporation filed Approval Petition No.85 of 2014 before the Joint Commissioner of Labour (Conciliation) Chennai. The Authority rejected the Approval Petition on the sole ground of non-payment of one month's wages, as per Section 33C(2) of the Industrial Dispute Act, 1947. The respondent Corporation challenged the orders of the

Authority by filing W.P.No.10527 of 2006. This Court by its order dated 27.01.2015, dismissed the writ petition and modifying the orders of the Authority that the petitioner is entitled for reinstatement with 50% back wages after deducting the P.F. contribution to be paid by the petitioner. The petitioner challenged the orders of the learned Single Judge only to the extent of 50% back wages, by filing Writ Appeal No.1441 of 2015. This Court was disposed of the case by confirming the orders passed by the learned Single Judge and further directed to pay one month's wages to the petitioner. The respondent Corporation failed to comply with the orders of the Division Bench. The petitioner filed a Contempt Petition, during the pendency of the Contempt Petition, the Management paid one month's wages to the petitioner Rs.5,860/-. The Management sent a letter dated 10.01.2018, invited the petitioner for settlement benefits as per orders passed by this Court. The respondent Corporation issued a cheque for Rs.4,50,000/- towards balance back wages and the petitioner was relieved from the service with effect from 31.12.2017 vide letter dated 07.08.2018. Thereafter, the petitioner made a representation on 10.08.2018, to settle the terminal benefits including pension. However, till date the representation was not considered. Hence, the present Writ Petition has been filed before this Court.

3.The learned counsel appearing for the petitioner would submit that it would suffice if this Court issues direction to the respondent to consider the representation submitted by the petitioner and to dispose of the same within a reasonable time as fixed by this Court.

4.This Court has perused the entire records, on perusal of the representation dated 10.08.2018, no acknowledgement was annexed along with the copy of representation. In the absence of the acknowledgement, this Court cannot issue direction to direct the respondent to consider the petitioner representation. However, I am inclined to direct the petitioner to annex the copy of the representation along with order copy to enable the respondent for issuing appropriate orders. If any such representation is received, the respondent is directed to consider the representation and pass orders on merits and in accordance with law within a period of 12 weeks from the date of receipt of a copy of this order.

5.With the above direction, the Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar(CS-VI)

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Sub Assistant Registrar

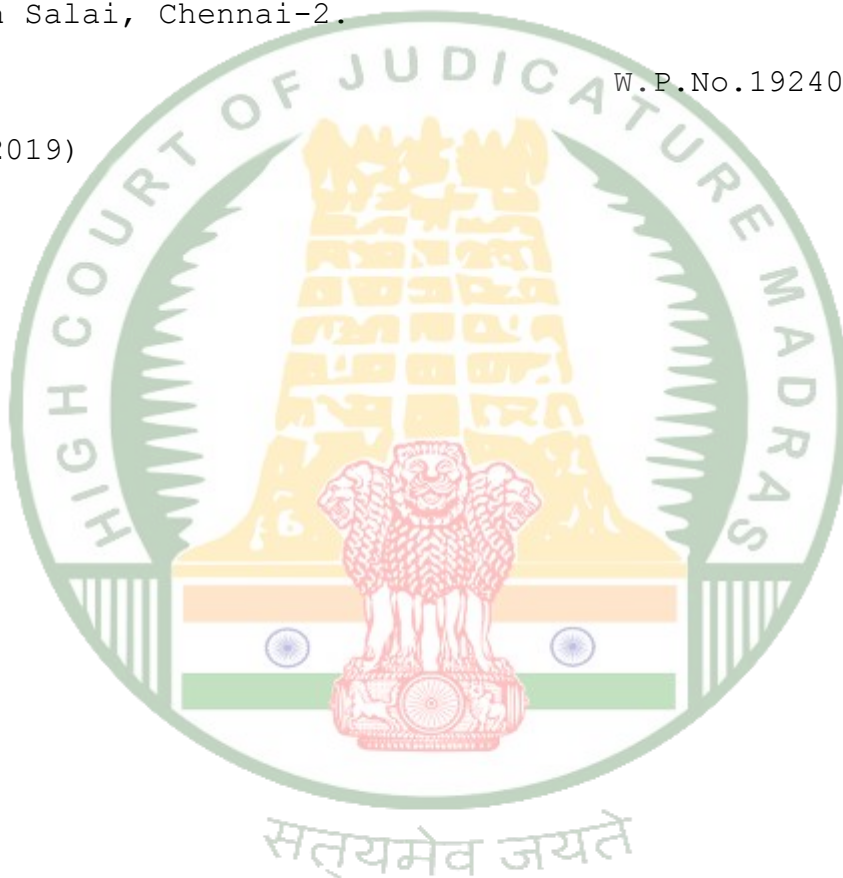
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To

- 1.The Managing Director,
Tamilnadu State Transport Corporation (Tirunelveli) Ltd.,
Tirunelveli.
- 2.The Administrator,
TNSTC, Pension Fund Trust,
Thiruvalluvar House,
Pallavan Salai, Chennai-2.

VGI (CO)
CB(04/12/2019)

W.P.No.19240 of 2019



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