

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :24.10.2019

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.20911 of 2019

K.Bayya Reddy

..Petitioner

vs

1. The Managing Director,
Tamil Nadu Civil Supplies Corporation Ltd.,
Pursawalkam, Chennai.

2. The General Manager (Administration),
Tamil Nadu Civil Supplies Corporation Ltd.,
Pursawalkam, Chennai.

3. The Regional Manager,
Tamil Nadu Civil Supplies Corporation Ltd.,
Krishnagiri Region, Krishnagiri.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to fix the seniority of the petitioner in the post of 'Trainee-Sales Assistant' from the date of his initial appointment in Service on 23.03.1984 onwards for reckoning his seniority from that date with all consequential benefits flowing therefrom and compute the monetary benefits notionally as per the award passed by the Labour Court in I.D.No.370 of 2000 dated 08.11.2005.

For Petitioner : Mr.R.Ramesh

For Respondents : Mr.L.P.Shanmugasundaram
Additional Government Pleader

O R D E R

Writ Petition is filed for issuance of Writ of Mandamus, directing the respondents to fix the seniority of the petitioner in the post of 'Trainee-Sales Assistant' from the date of his initial appointment in Service on 23.03.1984 onwards for reckoning his seniority from that date with all consequential benefits flowing therefrom and compute the monetary benefits notionally as per the award passed by the Labour Court in I.D.No.370 of 2000 dated 08.11.2005.

2. Heard the learned counsel for the petitioner and the learned Additional Government Pleader appearing for the respondents. By consent of both sides, the writ petition is taken up for final disposal at the admission stage itself.

3. The petitioner entered as trainee - Sales Assistant under the 3rd respondent in 1984 and he was selected for training as Trainee Sales Assistant and posted at the Amudam Stores of Kuppatti at Nagasandram Village of Thalli Firka in Denkanikota Taluk, Krishnagiri District. Accordingly, he joined service on 05.05.1984. While he was in service, on 05.10.1985, the then Sub Collector of Hosur made a surprise check in the stores and found no deficiency in the stock and in the cash. However, the Sub Collector forcibly entered into another portion and found the rice and sugar bags therein and took the goods in the Jeep and handed it over to the Thalli Police Station and directed them to register a case. Accordingly, a case was registered in Crime No.52 of 1985 and the same was tried in the Economic Offences Court, Salem as S.T.C No.10 of 1998. After elaborate trial, the case was ended in acquittal in favour of the petitioner. Thereafter, the departmental proceedings were initiated and even after the acquittal, the petitioner has not been given duty and thereby, the petitioner was forced to raise an industrial dispute in I.D No.370 of 2000 on the file of the Labour Court, Salem seeking employment with continuity of service and back wages. Thereafter, the industrial dispute case was disposed of on 08.11.2005 by the Labour Court with a direction to reinstate the petitioner in service without back wages, but with continuity of service. Thereafter the petitioner was reinstated in service in the year 2007 and retired on 31.05.2019. After the retirement, the terminal benefits were not settled. Hence, the petitioner made a representation dated 15.04.2019 to the respondents to fix his seniority in terms of the order passed by the Labour Court. Till date, the petitioner's representation was not considered. Hence the present writ petition is filed.

4. The learned counsel for the petitioner submitted that it would suffice if a direction is passed to the respondents to consider the representation of the petitioner dated 15.04.2019, within a reasonable time as fixed by this Court.

5. The learned counsel appearing for the respondents accede to the submission made by the learned counsel for the petitioner and submitted that if any such representation was received by the respondents, the same will be considered on merits and in accordance with law.

6.Thus, without going into the merits of the case, this Court is inclined to direct the respondents to consider the representation of petitioner dated 15.04.2019 and pass orders on merits and in accordance with law within a period of twelve weeks from the date of receipt of copy of this order.

7.With the above direction, the writ petition stand disposed of. No costs.

-s/d-

Assistant Registrar (CS-IV)

True Copy

Sub-Assistant Registrar

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To

1. The Managing Director,
Tamil Nadu Civil Supplies Corporation Ltd.,
Pursawalkam, Chennai.
 2. The General Manager (Administration),
Tamil Nadu Civil Supplies Corporation Ltd.,
Pursawalkam, Chennai.
 3. The Regional Manager,
Tamil Nadu Civil Supplies Corporation Ltd.,
Krishnagiri Region, Krishnagiri.
- +1 CC to Mr.L.P.Shanmugasundaram, Advocate sr 89829
+1 CC to Mr.R.Ramesh, Advocate sr 89072

सत्यमेव जयते

W.P.No.20911 of 2019

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MP (CO)
SP (09/12/2019)