

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.11.2019

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.21315 of 2019
and
W.M.P.No.20530 of 2019

K.Ponneswari

... Petitioner

Vs.

1.The Managing Director
Tamil Nadu State Transport Corporation (VPM) Ltd.,
Villupuram

2.The Deputy Manager (HRD)
Tamil Nadu State Transport Corporation (VPM) Ltd.,
Villupuram

3.The Assistant Manager
(Pension / PF/Salary/Law & Accounts)
Tamil Nadu State Transport Corporation (VPM) Ltd.,
Villupuram

4.The Officer In-charge for Accounts
State Express Transport Corporation Tamil Nadu Ltd.,
Head Office, Thiruvalluvar House
Pallavan Salai
Chennai 600 002

5.The Chairman
Institute of Road Transport
100 Feet Road
Taramani
Chennai

... Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the respondents to consider the representations dated 29.11.2017, 22.02.2018 & 15.06.2019 submitted by the petitioner, thereby direct them to 1)grant 25% of back wages as per award dated 21.02.2000 passed by the Labour Court, at Cuddalore in ID No.176/1994 with reasonable interest, ii) recalculate the petitioner's family pension in terms of award dated 21.02.2000 passed by the Labour Court, at Cuddalore in ID No.176/1994 and grant recalculated family Pension with reasonable interest and iii) grant reasonable interest for delayed payment of Family Pension after lapse of 13 years from the date of death of my husband.

For Petitioners : Mr.Prakash Adiapadam
For Respondents : Mr.Antony Arokiaraj

O R D E R

Mr.Antony Arokiaraj, learned Standing counsel accepts notice on behalf of the respondents. By consent of both sides, the writ petition is taken up for final disposal at the admission stage itself.

2.The case of the petitioner is that the petitioner's husband was appointed as conductor on 16.10.1981 in the Transport Corporation. Thereafter, he was terminated from the service on 16.08.1994, challenging the said termination, he raised Industrial Dispute before the Labour Court at Cuddalore vide ID N.176 of 1994. The Labour Court set aside the termination order dated 16.08.1994 and directed the Corporation to withhold his increments for a period of three months with cumulative effect and consequently directed the Corporation to reinstate the petitioner's husband with 25% of back wages from the date of termination to till the date of reinstatement. Thereafter, the petitioner's husband died on 19.04.2000. On 26.06.2012 a resolution was passed for implementing the award dated 21.02.2000 passed in I.D. No.176 of 1994 on the file of the Labour Court, Cuddalore. Accordingly, the Deputy Manager (HRD) sent a communication to the petitioner, informing that "the Board of Directors have granted approval for implementing award dated 21.02.2000 passed by the Labour Court, Cuddalore in ID No.176/1994 and thereby the Board of Directors have granted approval for 25% back wages with continuity of service to the petitioner's husband, however, his increments for a period of three months with cumulative effect was withheld. Thereafter, on 27.08.2013, the 2nd respondent sent a communication to the petitioner to deposit a sum of Rs.1,33,777/- for granting family pension. After receipt of the said communication, the petitioner sent a reply to the 2nd respondent to adjust the said amount from the arrears of pension. Accordingly, a sum of Rs.4,79,769/- was deposited in her Bank Account towards family pension arrears. Thereafter, the petitioner made a representation to the respondents to pay 25% of back wages as ordered by the Labour Court, Cuddalore in I.D.No.176 of 1994, which was not considered by the respondents. Hence, this writ petition.

3.The learned counsel for the petitioner submitted that, it would suffice if a direction is issued to the respondents to consider the representations of the petitioner dated 15.06.2019, within a reasonable time fixed by this Court.

4.The learned standing counsel appearing for the respondents would 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.

5.Thus, without going into the merits of the case, this Court is inclined to direct the respondents to consider the representation of petitioner dated 15.06.2019 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.

6.With the above directions, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

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To

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Head Office, Thiruvalluvar House
Pallavan Salai, Chennai 600 002

5.The Chairman
Institute of Road Transport
100 Feet Road
Taramani, Chennai.

+1cc to Mr.Prakash Adiapadam, Advocate, S.R.No. 99286
+1cc to Mr.A.Antony Arockiaraja, Advocate, S.R.No. 98688

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