

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.11.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.Nos.32809 & 32811 of 2019

S.Sivakumar

... Petitioner
in both WPs

.Vs.

1.The Administrative Director,
Tamilnadu State Transport Corporation,
Ramakrishna Salai,
Salem.

2.Employees Pension Officer,
Tamilnadu State Transport Corporation,
Thiruvalluvar Illam,
Pallavan Salai,
Chennai-2.

... Respondents
in both WPs

Prayer in W.P.No32809 of 2019:

Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondents to dispose of the representation dated 01.10.2019 regarding non consideration of the period from date of dismissal i.e., 27.01.2000 to 21.11.2011 (date of reinstatement) for the purpose of continuity of service in computing the retirement/pensionary benefits such as Provident Fund, Gratuity and pension within the time frame fixed by this Court.

Prayer in W.P.No32811 of 2019:

Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondents to dispose of the representation dated 01.10.2019 regarding non payment arrears of wages within the time frame fixed by this Court.

For petitioner : Mr.S.Sethuraman
(in both WPs)

For Respondents: Mr.R.K.Gandhi
(in both WPs)

COMMON ORDER

By consent, these writ petitions are taken up for final disposal at the admission stage itself.

2.The case of the petitioner is that the petitioner was working as a conductor in the respondent Transport Corporation since 03.06.1984 and retired from service on 30.06.2019. On 24.06.1999, his duty from Chidambaram to Edappadi, the vehicle was inspected by the ticket examiner and he was charged for not issuing ticket to the passenger even after receiving ticket charge from the passenger. By an order dated 27.01.2000, he was dismissed from service. Aggrieved by the same, he raised an industrial dispute in ID No.31 of 2008 before the Labour Court, Salem. After conducting an enquiry, the presiding officer of the labour Court allowed the application and ordered reinstatement without back wages with continuity of service only for the purpose of pensionary/retirement benefits. Aggrieved by the said order, the respondent preferred a writ petition in W.P.No.10636 of 2011 before this Court and this Court by an order dated 25.07.2011, was pleased to direct the management to reinstate him without back wages but with continuity of service only for the purpose of Pensionary/Retirement benefits as per the impugned award dated 01.04.2010 passed by the labour Court within a period of eight weeks from the date of receipt of copy of this order. Pursuant to the order of this Court, the respondent Corporation was reinstated in service by an order dated 15.12.2011 with effect from 21.11.2011 at the basic salary of Rs.8425/-. He rejoined the service and was called for a meeting on 18.09.2012, for payment of arrears of salary along with the other employees. However, the said arrears of salary was never paid even after his retirement, for which, he made a representation dated 01.10.2019 requesting the respondents to pay the arrears of salary. But till date, the respondents have not considered the same. Hence, the petitioner has filed the present petitions.

4.The learned counsel for the petitioner submitted that it would suffice, if a direction is issued to the respondents to consider and dispose the petitioner's representation dated 01.10.2019 and pass orders, within a stipulated time fixed by this Court.

5. The learned counsel for the respondents submits that the said representation made by the petitioner would be considered in accordance with law.

6.Though the petitioner has sought for a larger relief, this Court without going into the merits of the case, direct the respondents to consider the petitioner's representation dated 01.10.2019 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.

With the above direction, these writ petitions stand disposed of. No costs.

Sd/-
Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

KP

To

1.The Administrative Director,
Tamilnadu State Transport Corporation,
Ramakrishna Salai,
Salem.

2.Employees Pension Officer,
Tamilnadu State Transport Corporation,
Thiruvalluvar Illam,
Pallavan Salai,
Chennai-2.

+2ccs to M/s.Sethuraman, Advocate SR.97668, 97669

+1cc to M/s.R.K.Gandhi, Advocate SR.97649

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BP (CO)
CB (24/01/2020)

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