



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.11.2019

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.33078 of 2019

E.Abdul Shukur

... Petitioner

Vs.

The General Manager
Tamil Nadu State Transport
Corporation (Villupuram) Ltd.,
Villupuram
Represented by its
Managing Director

...Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the respondent to pass appropriate orders within a fixed time frame on the representation dated 14.11.2019 of the petitioner with regard to disbursement of pensionary benefits from 01.12.2006 till date as per directions in WA.No.618 of 2015 dated 10.04.2018.

For Petitioner : Mr.J.Muthukumaran

For Respondent : Mr.C.S.K.Santhosh

O R D E R

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 was working as conductor on 20.02.1968 and his service was confirmed on 01.03.1969. The petitioner was transferred to Villupuram and he joined duty on 17.01.1975. After the establishment of Thanthai Periyar Transport Corporation Ltd., the petitioner was absorbed in that Corporation w.e.f 31.03.1982. On 30.03.1994 while he was serving in Thanthai Periyar Transport Corporation Ltd., (now known as Tamilnadu State Transport Corporation (Villupuram Ltd.,) a disciplinary action was initiated against the petitioner and charge memo was issued and the petitioner was dismissed from the services on 02.07.1994. The dismissal order



was challenged by the petitioner before the Labour Court, Cuddalore in I.D.No.11/2005 and by Award dated 30.12.2010, the Labour Court confirmed the order of dismissal. The petitioner challenged the said award before this Court in W.P.No.17619 of 2012. This Court by its order dated 23.04.2012 set aside the award of the Labour Court and directed the Management of the Respondent Transport Corporation to pay 50% of the back wages from the date of termination of services i.e. 02.07.1994 till the date of retirement on 28.11.2006. Against the order of Single Judge, the respondent Corporation filed W.A.No.618 of 2015 before the Division Bench of this Court. This court by its Judgment dated 10.04.2018, partly allowed the appeal and modified the order of the learned single judge to the effect that the petitioner is entitled to all the attendant, monetary benefits including pension from 02.07.1994. The respondent Transport Corporation was further directed to work out the retirement benefits as well as the pension payable to the petitioner and the same to be paid within a period of six months. Pursuant to the judgment, the petitioner was deemed to have been reinstated into service on 02.07.1994 as conductor with continuity of service but without back wages and deemed to have been retired from service on 30.11.2006 on attaining the age of superannuation. The respondent was further directed to settle the eligible retirement and pensionary benefits to the petitioner. The petitioner made a representation on 14.11.2019, but the same was not considered. Hence, the petitioner is before this court.

3.The learned counsel for the petitioner submitted that, it would suffice if a direction is issued to the respondent to consider the representation of the petitioner dated 14.11.2019, within a reasonable time fixed by this Court to disburse the pensionary benefits from 01.12.2006 to till date as per the direction of this Court in W.A.No.618 of 2015 dated 10.04.2018.

4.The learned 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 respondent to consider the representation of petitioner dated 14.11.2019 and pass appropriate orders on merits and in accordance with law within a period of four weeks from the date of receipt of a copy of this order.



6. With the above directions, the writ petition stands disposed of. No costs.

Sd/-
Assistant Registrar

WEB COPY

//True Copy//

Sub Assistant Registrar

To

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

+1 cc to M/s.J.Muthukumaresan, Advocate Sr.No. 99719

AKM/10.01.2020/3P-3C /

W.P.No.33078 of 2019