



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.03.2019

CORAM:

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.[MD]No.2149 of 2016

WEB COPY

P.Ramaraaj

: Petitioner

Vs.

The General Manager,  
Tamil Nadu State Transport Corporation Ltd.,  
Madurai Division,  
Madurai Road,  
Virudhunagar,  
Virudhunagar District.

: Respondent

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondent to disburse the arrears of 50% of the salary from 11.10.2007 to till March 2009 and to disburse pension to the petitioner from 30.04.2010 to 01.06.2015 and family welfare pension from 30.04.2010 to till date, based on the petitioner's representation dated 16.09.2015 within a specified time frame that may be fixed by this Court.

For Petitioner : Mr.J.Jeyakumaran

For Respondent : Mr.A.P.Muthupandian

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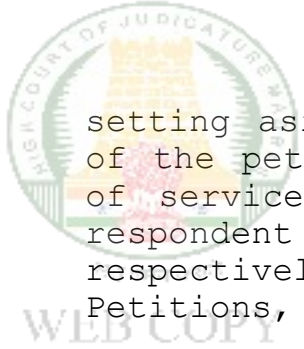
**O R D E R**

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This Writ Petition has been filed by the petitioner seeking issuance of a Writ of Mandamus, to direct the respondent to disburse the arrears of 50% of the salary from 11.10.2007 to till March 2009 and to disburse pension to the petitioner from 30.04.2010 to 01.06.2015 and family welfare pension from 30.04.2010 to till date, based on his representation dated 16.09.2015.

2. Heard the learned counsel appearing for the petitioner and the learned Standing Counsel appearing for the respondent.

3. According to the learned counsel for the petitioner, the petitioner was appointed as a driver on 01.11.1986 and got regularization of service. Meanwhile, on 03.05.2001, the bus driven by him met with an accident, resulted in the death of a cyclist, for which, he was suspended from service. Based on the suspension, a charge memo was also issued and on completion of enquiry proceedings, he was terminated from service on 02.11.2001, aggrieved against which, he raised an industrial dispute before the Labour Court in I.D.No.36/2004, in which, the Labour Court passed an Award



setting aside the order of termination and directing reinstatement of the petitioner in service without backwages and with continuity of service. Challenging the same, the petitioner as well as the respondent filed Writ Petitions in W.P.(MD)Nos.1614 and 3666 of 2009 respectively before this Court. While concluding those Writ Petitions, at paragraph No.10, this Court observed as under:

**"Now it is seen that the petitioner had already retired during the year of 2010 itself. Therefore, the question of reinstatement does not arise. Consequently, the petitioner is entitled to get his salary from the date of passing of the Award till the date of his retirement. As it is stated before this Court that the petitioner was paid the last drawn wages from the date of filing of the writ petition till the date of his retirement, while allowing the writ petition in W.P.(MD) No.1614 of 2009 and dismissing the writ petition in W.P. (MD)No.3666 of 2009, I only direct the Management to pay 50% of the backwages payable to the petitioner from 11.10.2007 being the date of Award till the date of filing of the writ petition, in view of the fact that the petitioner was not actually working during those period. At any event, as there was no allegation against the petitioner and he has also retired from service, in my considered view, the petitioner is entitled to get 50% of the backwages, as stated supra. Apart from the same, the Management shall also disburse all other retirement benefits to the employee. All these exercise shall be done by the Management within a period of eight weeks from the date of receipt of a copy of this order."**

4. The learned counsel for the petitioner submitted that based on the said order, the petitioner made a representation dated 16.09.2015 to the respondent requesting disbursement of pension and other benefits. Despite the representation and the order of this Court dated 21.01.2013, no fruitful result is forthcoming. Hence, the petitioner is before this Court by filing the present Writ Petition for the above said relief.

5. The learned Standing Counsel appearing for the respondent submitted that the representation of the petitioner would be considered by the respondent, within the time stipulated by this Court.

6. Considering the facts and circumstances of the case and also having regard to the submission made by the learned Standing Counsel appearing on behalf of the respondent, this Court directs the respondent to consider the representation made by the petitioner dated 16.09.2015, in the light of the order passed by this Court dated 21.01.2013 in W.P.(MD)Nos.1614 and 3666 of 2009 and settle the benefits to the petitioner with 8% interest, within a period of six weeks from the date of receipt of a copy of this order.



Assistant Registrar (T&amp;P)

Sub Assistant Registrar (CS)

Order made in  
W.P. [MD]No.2149 of 2016  
Dated: 26.03.2019

<https://hcservices.ecourts.gov.in/hcservices/>