



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.08.2019

CORAM

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P. (MD) No.17828 of 2019

and

W.M.P. (MD) Nos.14293, 14294 and 14327 of 2019

G.Ramalingam

...Petitioner

Vs.

1.The Tamil Nadu State Transport Corporation
(Kumbakonam) Limited,
represented by its Managing Director,
Kumbakonam.

2.The General Manager,
Tamil Nadu State Transport Corporation
(Kumbakonam) Limited,
Nagappattinam Region,
Nagapattinam.

3.The Tamil Nadu State Transport Corporations
Employee's Pension Fund Trust,
represented by its Administrator,
Thiruvalluvar Illam,
Pallavan Salai,
Chennai - 2.

...Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order passed by the second respondent in Ku.Aa.No.107/Pa.Pi-E5/TNSTC(KU)/Nagai/2016 dated 28.11.2016, quash the same insofar as not treating the period from 23.02.2009 to 27.11.2016 as duty for the purpose of terminal benefits such as fixation of pay, gratuity, pension etc., and consequently, direct the respondents to treat the period from 23.02.2009 to 27.11.2016 as duty and further directing the respondents to pay annual and special increments, review and pay revision benefits for the aforesaid period, and to pay pension, gratuity, earned leave salary and other terminal benefits based on the revised pay by counting the petitioner's entire service from the date of his original appointment in the first respondent corporation



to till the date of the petitioner's superannuation.

For Petitioner :Mr.A.Rahul

For R1 & R2 :Mr.D.Sivaraman
Standing Counsel

For R3 :Mr.A.Swaminathan
Standing Counsel

WEB COPY

ORDER

Mr.D.Sivaraman, learned Standing Counsel takes notice for the respondents 1 and 2 and Mr.A.Swaminathan, learned Standing Counsel takes notice for the third respondent. By consent, this writ petition is taken up for final disposal at the admission stage itself.

2.Though this writ petition is filed for a larger relief, seeking issuance of a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order passed by the second respondent in Ku.Aa.No.107/Pa.Pi-E5/TNSTC(KU)/Nagai/2016 dated 28.11.2016, quash the same insofar as not treating the period from 23.02.2009 to 27.11.2016 as duty for the purpose of terminal benefits such as fixation of pay, gratuity, pension etc., and consequently, directing the respondents to treat the period from

23.02.2009 to 27.11.2016 as duty and further directing the respondents to pay annual and special increments, review and pay revision benefits for the aforesaid period, and to pay pension, gratuity, earned leave salary and other terminal benefits based on the revised pay by counting the petitioner's entire service from the date of his original appointment in the first respondent corporation to till the date of the petitioner's superannuation, the learned counsel appearing for the petitioner in the course of his argument, restricted the relief for issuing a direction to the respondents to consider and pass appropriate orders on the petitioner's representation, dated 20.03.2019.

3.In reply, the learned Standing Counsel appearing for the respondents 1 and 2 would submit that the petitioner's representation dated 20.03.2019 would be considered on merits and in accordance with law, within a time frame to be fixed by this Court.

4.Recording the above said submissions made by the learned counsel on either side, this Court directs the second respondent to consider the petitioner's representation dated 20.03.2019, and pass appropriate orders on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order.



5. With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

WEB COPY

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar (CS)

+1 CC to M/s.D.SIVARAMAN, Advocate (SR-82078[F] dated 16/08/2019)

+1 CC to M/s.A.RAHUL, Advocate (SR-82295[F] dated 19/08/2019)

W.P. (MD) No.17828 of 2019
16.08.2019

mm

JMN (28.08.2019) 3P : 3C