



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.09.2019

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P. (MD)No.18968 of 2019

WEB COPY

S.Chellakkannan

... Petitioner

Vs.

- 1.The Managing Director,
Tamil Nadu State Transport
Corporation (Tirunelveli) Ltd.,
Corporate Office,
V.M.Chathiram,
KTC Nagar, Tirunelveli,
Tirunelveli Taluk & District-627 003.
- 2.The General Manager,
Tamil Nadu State Transport
Corporation (Tirunelveli) Ltd.,
Tirunelveli.
- 3.The Administrator,
Tamil Nadu State Transport
Corporation Employees Pension Fund Trust,
Thiruvalluvar House, Pallavan Salai,
Chennai-600 002.

... Respondents

PRAYER: Writ Petition under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the Respondents to disburse the petitioner's bonus amount for a sum of Rs.84,280/- from 2002 to 2013, balance amount of Gratuity for a sum of Rs.4,682/-, 18% interest of the Gratuity amount for a sum of Rs.3,70,002/-, Earned Leave salary for a sum of Rs.2,72,054/- from 2002 to 2013, PRWS Rs.79,000/-, Leave salary for 17 days in 2001, Bonus amount for a sum of Rs.2,400/- from 2001 to 2002 and consider the petitioner's representation dated 30.7.2019.

For Petitioner : Mr.K.Guhan
For Respondents : Mr.K.Sathiyasingh, Standing Counsel

ORDER

This writ petition is filed seeking for a mandamus directing Respondents to disburse the petitioner's bonus amount for a sum of Rs.84,280/- from 2002 to 2013, balance amount of Gratuity for a sum of Rs.4,682/-, 18% interest of the Gratuity amount for a sum of Rs.3,70,002/-, Earned Leave salary for a sum of Rs.2,72,054/- from



2002 to 2013, PRWS Rs.79,000/-, Leave salary for 17 days in 2001, Bonus amount for a sum of Rs.2,400/- from 2001 to 2002 and consider the petitioner's representation dated 30.7.2019.

2. Mr. K. Sathiyasingh, learned counsel takes notice for the respondents. By consent of both parties, the Writ Petition is taken up for final disposal at the stage of admission itself.

3. According to the petitioner, while he was in service, the respondents issued a charge memo and suspended him from service on 14.02.2002. He also submitted explanation to the chargememo. After conducting domestic enquiry, the petitioner was dismissed from service. Against the order of dismissal, the petitioner raised an Industrial Dispute in I.D.No.11 of 2004 before the Labour Court, Tirunelveli. The Labour Court allowed I.D.No.11 of 2004 ordering reinstatement of the petitioner in service with continuity of service and payment of back wages. Against the order of the Labour Court, the respondents filed a writ petition in W.P(MD)No.6106 of 2010 before this Court. This Court, by order dated 31.07.2014 dismissed the writ petition. Even after the dismissal of the writ petition, the respondents have not settled the terminal benefits. Thereafter, the petitioner filed another writ petition in W.P.(MD) No.18783 of 2018, seeking a direction to the respondents to pay Post Retirement Welfare Scheme, Earned Leave salary etc., This Court, by order dated 19.08.2019, directed the respondents to consider the representation of the petitioner. The said order dated 19.08.2019 passed by this Court, has not been complied with. Against which, the petitioner filed contempt petition in Cont.P.(MD)No.292 of 2019. After filing the contempt petition, the respondents disbursed only a sum Rs.4,16,068/-. The said amount is only with regard to pension arrears of November, 2013 to June 2016. The respondents have not settled the other benefits. Under these circumstances, the petitioner has sent a representation to the respondents on 30.07.2019, requesting the respondents to pay the balance amount of retirement benefits. The respondents have not passed any orders on the representation and hence, the petitioner has come up with the present writ petition.

4. Heard Mr. K. Guhan, learned counsel appearing for the petitioner and Mr. K. Sathiyasingh, learned Standing Counsel appearing for the respondents.

5. Considering the contentions of the learned counsel for the petitioner and the learned Standing counsel for the respondents, it is suffice to direct the respondents to consider the representation of the petitioner, dated 30.07.2019 and pass orders on merits and in accordance with law and disburse the eligible amounts after hearing the petitioner, as expeditiously as possible, preferably, within a period of eight weeks from the date of receipt of a copy of this order.



6. With the above direction, the writ petition is disposed of.
No costs.

Sd/-

Assistant Registrar (CS-II)

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Sub Assistant Registrar(CS)

To

- 1.The Managing Director,
Tamil Nadu State Transport
Corporation (Tirunelveli) Ltd.,
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 - 3.The Administrator,
Tamil Nadu State Transport
Corporation Employees Pension Fund Trust,
Thiruvalluvar House,
Pallavan Salai,
Chennai-600 002.
- +1 CC to Mr.K. GUHAN, Advocate SR-85151.
+1 CC to Mr.K.SATHIYA SINGH, Advocate SR-85594.

W.P. (MD) No.18968 of 2019
04.09.2019

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