



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.09.2019

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

WEB COPY

W.P. (MD)No.19450 of 2019

N.Vittalraj

... Petitioner

Vs.

The Managing Director,
Tamilnadu State Transport Corporation Ltd.,
Kumbakonam-612 001.

... Respondent

PRAYER: Writ Petition under Article 226 of the Constitution of India, to issue a Writ of Mandamus, call for the service records of the petitioner and direct the respondent to pay his retirement benefits at a early date within the stipulated time fixed by this Court.

For Petitioner : Mr.C.Christopher,
For Respondent : Mr.D.Sivaraman

ORDER

This writ petition is filed seeking for a mandamus directing the respondent to pay his retirement benefits at an early date and call for the service records of the petitioner.

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

3. The petitioner, while working as a Driver in the respondent corporation, was dismissed from service for certain misconducts. The petitioner raised an Industrial Dispute in I.D.No.14 of 1997, before the Labour Court, Cuddalore. The Labour Court, by the award, dated 23.03.2004, ordered for reinstatement with continuity of service, but, without back-wages. The writ petition and the writ appeal filed by the respondent were dismissed. The respondent reinstated the petitioner into service on 25.05.2014. The respondent offered to pay 70% of the back-wages, for which, the petitioner agreed. The petitioner was reinstated.

4. According to the petitioner, the total amount of back-wages payable by the respondent is Rs.30,89,087.10/- as per the calculation made by the petitioner. The respondent paid only a sum of Rs.8,26,894/- on 07.07.2014 and did not pay the balance amount. Hence, the petitioner filed a contempt petition, which was converted as E.P., and the said E.P., was dismissed. The petitioner retired



from service on 30.04.2018 on attaining the age of superannuation. According to the petitioner, the respondent has not settled the terminal benefits payable to the petitioner. Therefore, the petitioner has filed the present writ petition.

5.The learned counsel for the respondent contended that the respondent has paid the entire back-wages payable to the petitioner and amount claimed by the petitioner is not correct as per the settlement entered into between him and the management. The respondent already paid a sum of Rs.8,26,894/- on 07.07.2014. The petitioner is not entitled for the relief as sought for in the present writ petition and prayed for dismissal of the writ petition.

6. Heard the learned counsel for the petitioner and the learned counsel for the respondent.

7. From the materials on record, it is seen that, according to the petitioner, he retired from service on 30.04.2018 on attaining the age of superannuation, but the respondent has not settled the terminal benefits even after one year of retirement. The petitioner has not given any particulars as to how, he is entitled to a sum of Rs.30,89,087.10/-. According to the respondent, the total amount of Rs.8,26,894/- is paid. In the circumstances, the petitioner is directed to give fresh representation to the respondent with full particulars, within a period of two weeks from the date of receipt of a copy of this order. On receipt of such representation, the respondent is directed to consider the said representation and pass orders on merits and in accordance with law, within a period of twelve (12) weeks, thereafter.

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

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar

TO

The Managing Director,
Tamilnadu State Transport Corporation Ltd.,
Kumbakonam-612 001.

+1 CC to M/s.C.CHRISTOPHER, Advocate (SR-85987[F] dated 09/09/2019
+1 CC to M/s.D.SIVARAMAN, Advocate (SR-86076[F] dated 10/09/2019

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