



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.09.2019

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P. (MD)No.19560 of 2019

and

W.M.P (MD)No.16016 of 2019

WEB COPY

G.Panneer Selvam

... Petitioner

Vs.

1.The Administrator-cum-Trustee,
Tamil Nadu State Transport Corporation,
Employees Pension Fund Trust,
Thiruvallur House, Pallavan Salai,
Chennai-600 002.

2.The Managing Director,
Tamil Nadu State Transport Corporation
(Madurai) Ltd.,
Madurai Division,
By Pass Road, Palanganatham,
Madurai.

3.The General Manager,
Tamil Nadu State Transport Corporation (Madurai) Ltd.,
Virudhunagar Division, Virudhunagar.

4.The Chief Accounts Officer,
Tamil Nadu State Transport Corporation (Madurai) Ltd.,
Madurai Division, By Pass Road,
Palanganatham,
Madurai.

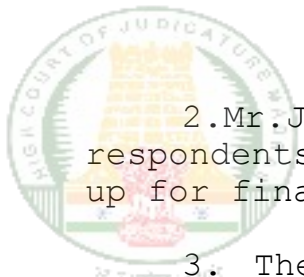
... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the Respondents to consider petitioner's representation dated 04.02.2019 and direct them to disburse his retirement and all other pension benefits, monthly pension and retired employee's free bus pass.

For Petitioner : Mr.M.R.Sreenivasan
For Respondents : Mr.J.S.Senthil Kumariah

ORDER

This writ petition is filed seeking for a mandamus, directing the Respondents to consider the petitioner's representation, dated 04.02.2019 and direct them to disburse his retirement and all other pensionary benefits, monthly pension and retired employee's free bus pass.



2.Mr.J.S.Senthil Kumariah, 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. The petitioner while working as Conductor, dismissed from service for certain misconduct. The approval petition filed by the third respondent for dismissal of the petitioner, was dismissed by the Special Deputy Commissioner of Labour, Chennai, vide order dated 22.04.2013. As against that, the third respondent filed a writ petition in W.P.(MD)No.15836 of 2013, which was dismissed by this Court on 23.01.2014. The petitioner retired from service on 30.06.2016 on attaining the age of superannuation. The petitioner filed a claim petition in C.P.No.53 of 2014 under Section 33(C)(2) of the Industrial Disputes Act before the Labour Court, Madurai, claiming back wages. The Labour Court allowed the claim petition, directing the third respondent to pay back wages of Rs.4,86,762.40/-. The third respondent has not taken any further proceedings against the said order. Even after the said order, the third respondent has not paid any amount to the petitioner. Hence, the petitioner made representation on 04.02.2019 to all the respondents for disbursement of terminal benefits. Since no order was passed on the representation, the petitioner has come out with the present writ petition.

4.Heard the learned counsel appearing for the petitioner as well as the learned counsel appearing for the respondents.

5. Considering the facts and circumstances of the case, without going into the merits of the case, the writ petition is disposed of directing the respondents to consider the representation of the petitioner, dated 04.02.2019 and to disburse all the eligible retirement benefits including the pension and back wages, as ordered by the Labour Court, Madurai, in the Claim Petition in C.P.No.53 of 2014 and pass orders on merits and in accordance with law, within a period of twelve (12) weeks from the date of receipt of a copy of this order and also to consider the issue of free bus pass to the petitioner. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AD-I)

// True Copy //

Sub Assistant Registrar(CS)



To

- 1.The Administrator-cum-Trustee,
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Virudhunagar.
 - 4.The Chief Accounts Officer,
Tamil Nadu State Transport Corporation (Madurai) Ltd.,
Madurai Division,
By Pass Road,
Palanganatham,
Madurai.
- +1 CC to M/s.M.R.SREENIVASAN, Advocate SR-86328.
+1 CC to M/s.J.SENTHIL KUMARIAH, Advocate SR-86339.

W.P. (MD) No.19560 of 2019
12.09.2019

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