



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.09.2019

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P. (MD) No.20820 of 2019

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R.Manickam

... Petitioner

-Vs-

1.The Administrator

Tamil Nadu State Transport Corporation
Employees Pension Fund Trust
Tiruvalluvar Illam
Pallavan Salai, Chennai 2

2.The Management

TNSTC (Madurai Division-V) Limited
(Now known as TNSC (Madurai) Limited
Virudhunagar Region, Virudhunagar
Represented by its General Manager

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to pay pension from the date of superannuation till date and continue to pay pension every month and pay other retirement benefits to the petitioner.

For Petitioner : Mr.T.Ravichandran

For Respondents : Mr.J.Senthil Kumariah

ORDER

The writ petition has been filed for a direction to the respondents to pay pension from the date of superannuation till date and continue to pay pension every month and pay other retirement benefits to the petitioner.

2.According to the petitioner, he was employed as a Driver in the respondent Corporation from 16.12.1987. While he was working as a Driver, suspended from service on 30.01.2001, alleging that he came for duty on 29.01.2001, in a drunken mood. Due to that, a charge memo, dated 06.02.2001, was issued. The petitioner submitted his explanation to the said Charge Memo. Not being satisfied with the explanation submitted by the petitioner, an enquiry was conducted and the petitioner was dismissed from service on 30.09.2001. Against which, the petitioner has raised an industrial dispute in I.D.No.40 of 2003 before the Labour Court, Madurai. After hearing the case, the Labour Court, directed the respondents to reinstate the petitioner, within a period of two months with



continuity of service. The respondents Corporation, challenging the said award, after one year, had filed W.P(MD).No.9427 of 2009. The said Writ Petition was dismissed for default on 03.08.2017. In the meantime, the petitioner attained the age of superannuation on 30.11.2009. Subsequently, the respondents filed W.M.P(MD).No.17638 of 2017 in W.P(MD).No.9427 of 2009 to restore the order of dismissal. The said Writ Miscellaneous Petition was ordered by this Court on 31.01.2018, on condition to pay a sum of Rs.500/- as cost to the Legal Service Authority, attached to this Court, on or before 09.02.2018, failing which, the petition will stand automatically dismissed, without any further reference to this Court. But, the respondents failed to comply with the order and hence, WMP(MD).No.17638 of 2017 was dismissed. Even, after dismissal of W.M.P(MD).No.17638 of 2017, the respondents have not paid terminal benefits and pension to the petitioner. Hence, the petitioner has come out with the present writ petition.

3.Mr.J.Senthilkumariah, learned counsel, who takes notice on behalf of the respondents, submitted that subsequently, the respondents filed W.M.P(MD).No.14849 of 2019 and requested time to comply with the order already passed by this Court.

4.Heard Mr.T.Ravichandran, learned counsel appearing for the petitioner and Mr.J.Senthilkumariah, learned counsel appearing for the respondents.

5.From the materials available on record, it is seen that the petitioner was dismissed from service on 30.09.2001. The Labour Court by order dated 10.04.2008, directed the respondents to reinstate the petitioner with continuity of service. The Writ petition in W.P(MD).No.9427 of 2009 filed by the respondents was dismissed on 03.08.2017. The conditional order passed by this Court in W.M.P(MD).No.17638 of 2017 for restoration of W.P(MD).No.9427 of 2009 has not been complied with and therefore, the said Writ Petition was not restored to file. The petitioner is without employment from 30.09.2001 and the Labour Court has not awarded any back wages to the petitioner. In the meantime, he retired from service on 30.11.2009, on attaining the age of superannuation.

6.In view of the above, the respondents are directed to pay the eligible terminal benefits and pension to the petitioner, within a period of eight(8) weeks from the date of receipt of a copy of this order.



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W.P.(MD) No.20820 of 2017

7. With the above direction, this Writ Petition is allowed. No costs.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar (CS)

+1 CC to MR.T.RAVICHANDRAN, Advocate (SR-89950[F] dated 27/09/2019)

+1 CC to MR.J.SENTHIL KUMARAIAH, Advocate (SR-89954[F] dated 27/09/2019)

W.P. (MD) No.20820 of 2019

26.09.2019

MSA

MK (23.10.2019) 3P 3C