



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.09.2019

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P. (MD) No.20916 of 2019

P.Selvaraj

... Petitioner

-Vs-

1.The Administrator

Tamil Nadu State Transport Corporation
Employees Pension Fund Trust
Thiruvalluvar House, Pallavan Salai
Chennai -2

2.The Management of Tamil Nadu State Transport

Corporation (Tirunelveli) Limited
Represented by its Managing Director
23/2, Thoothukudi Road, Kattapomman Nagar
Tirunelveli

3.The General Manager

Tamil Nadu State Transport Corporation
(Tirunelveli) Limited
Nagercoil Region
Kanyakumari District

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to consider and pass final orders on the representation of the petitioner dated 10.07.2019 with regard to sanction and disburse the superannuation pension and other terminal and monitory benefits by regularisation of his suspension period in the light of order already passed by the Labour Court, Tirunelveli in I.D.No.18 of 2003, dated 05.04.2011, to the petitioner and by taking his entire service from the date of his original appointment to the date of superannuation, within the time frame as may be fixed by this Court.

For Petitioner : Mr.S.Ramasamy

For Respondents : Mr.K.Sathiya Singh



ORDER

This petition has been filed seeking for a direction to the respondents to consider the representation of the petitioner, dated 10.07.2019, with regard to sanction and disburse the superannuation pension and other terminal and monitory benefits, by regularising his suspension period in the light of order already passed by the Labour Court, Tirunelveli, in I.D.No.18 of 2003, dated 05.04.2011.

2.The learned counsel appearing for the petitioner submitted that the petitioner joined in the third respondent Corporation as a Conductor on temporary basis through Employment Exchange on 11.04.1995 and thereafter, his service was regularised and he attained the age of superannuation on 31.12.2018. While so, due to high level of blood pressure, the petitioner took medical leave in the month of January 2000. Due to that, the third respondent issued a charge memo against the petitioner on 05.04.2000 and in furtherance, the respondents had conducted departmental enquiry. During the enquiry, the petitioner has explained his health condition and also produced medical records. But, the petitioner was removed from service on 28.06.2001. Hence, the petitioner raised industrial dispute in I.D.No.18 of 2003 before the Labour Court, Tirunelveli, to reinstate him in service and regularize of his suspension period as service period. After hearing the case, the Labour Court, directed the third respondent to reinstate the petitioner into service and also directed to regularise his suspension period as service period with all monitory benefits. But, the third respondent did not regularise his suspension period. Hence, the petitioner made a representation to the respondents on 10.07.2019. But, no action has been taken so far. Hence, the petitioner has come out with the present writ petition.

3.The learned counsel for the petitioner submitted that it would suffice, if a direction is issued to the respondents to consider the representation of the petitioner, dated 10.07.2019, on merits.

4.Heard Mr.S.Ramasamy, learned counsel appearing for the petitioner and K.Sathiya Singh, learned counsel appearing for the respondent.

5.Considering the relief sought for in the writ petition and also considering the submission made by the learned counsel appearing for the petitioner, without deciding the issue on merits, the respondents are directed to consider the representation of the petitioner, dated 10.07.2019 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.



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6. With the above direction, this Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar (CS)

msa

+1 CC to M/s.S.RAMASAMY, Advocate SR-90118.

+1 CC to M/s.K.SATHIYA SINGH, Advocate SR-90372.

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