

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.09.2020

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.22377 of 2013

And

M.P.No.1 of 2014

R.Jayakumar

... Petitioner

Vs.

1. Tamilnadu State Transport Corporation (Villupuram) Ltd., Rep. by its Managing Director, Vazhudareddy, Villupuram.

2. The General Manager, Tamilnadu State Transport Corporation (Villupuram) Ltd., Villupuram Region, Vazhudareddy, Villupuram.

... Respondents

Prayer:Petition filed under Article 226 of the Constitution of India to issue a Writ of Declaration declaring that the action of the respondents in not paying the petitioner backwages and other attendant benefits for the period from 22.04.2003 to 12.11.2007 not giving and fixing the petitioner correct basic pay, band pay and grade pay from 13.11.2007 and treating the petitioner as a fresh entrant helper as illegal and consequently direct the respondents to pay the petitioner backwages and other attendant benefits for the period from 22.04.2003 to 12.11.2007, to fix the petitioner pay correctly on par with his colleagues with effect from 13.11.2007 and pay the petitioner difference in wages and other consequential benefits and also to extend Petitioner all service benefits as if Petitioner continued in the post of Conductor without medical discharge, award costs.

For Petitioner : M/s.V.Ajoy Khose

For Respondents: Ms.Srijayanthi

Special Government Pleader

O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Declaration declaring the action of the respondents in not paying the petitioner's backwages and other attendant

benefits for the period from 22.04.2003 to 12.11.2007, not giving and fixing the petitioner's correct basic pay, band pay and grade pay from 13.11.2007 and treating the petitioner as a fresh entrant helper as illegal and to consequently direct the respondents to pay the petitioner's backwages and other attendant benefits for the period from 22.04.2003 to 12.11.2007, to fix the petitioner's pay correctly on par with his colleagues with effect from 13.11.2007 and to pay the petitioner's difference in wages and other consequential benefits and also to extend the petitioner all service benefits as if he continued in the post of Conductor without medical discharge.

2.The case of the petitioner is that while the petitioner is on duty on 18.06.2002, the bus in which the petitioner worked met with an accident and his left leg was amputated. The petitioner was referred to the District Medical Board and the Medical Board certified that the petitioner is not fit for the post of Conductor. Thereafter, the second respondent vide order dated 22.04.2003 discharged the petitioner from service.

3.It is the further case of the petitioner that aggrieved by the order dated 22.04.2003, the petitioner filed W.P.No.30924 of 2004 before this Court and this Court vide order dated 26.04.2006, allowed the writ petition and directed the respondent Corporation to provide alternative employment to the petitioner protecting his pay and service conditions. Aggrieved by the order of this Court, the respondent Corporation filed W.A.No.610 of 2007 before the Hon'ble Division Bench of this Court and the Hon'ble Division Bench of this Court vide judgment dated 13.04.2007 dismissed the said writ appeal.

4.It is the further case of the petitioner that thereafter, the petitioner was given alternative employment as Helper, however, the respondents did not pay the backwages and other attendant benefits for the period from the date of discharge to the date of providing alternative employment i.e., from 22.04.2003 to 12.11.2007 and the respondents also proceeded to treat the petitioner as fresh entrant Helper. Hence, the petitioner made representation dated 07.04.2012 to the respondents seeking to pay the backwages and other attendant benefits for the period from 22.04.2003 to 12.11.2007 and since there was no response, has filed this writ petition.

5.The learned counsel appearing for the petitioner would submit that it would suffice, if this Court issues direction to the respondents to consider the representation of the petitioner dated 07.04.2012 in the light of the judgment dated 13.04.2007 made in W.A.No.610 of 2007, and to pass appropriate orders, within a reasonable time frame.

6.The learned Special Government Pleader would submit that the petitioner's representation would be considered in accordance with law.

7.In view of the above, this Court directs the respondents to consider the representation of the petitioner dated 07.04.2012, on merits and in accordance with law and in the light of the judgment dated 13.04.2007 made in W.A.No.610 of 2007, and to pass appropriate orders, within a period of three months from the date of receipt of a copy of this order.

8.The writ petition is accordingly disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

- 1.The Managing Director
Tamilnadu State Transport
Corporation (Villupuram) Ltd.,
Vazhudareddy, Villupuram.
- 2.The General Manager,
Tamilnadu State Transport
Corporation (Villupuram) Ltd.,
Villupuram Region,
Vazhudareddy, Villupuram.

+1 CC to Mr.V. Ajoy Khose, Advocate sr 32018.

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SSV(CO)
SP(09/11/2020)