

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Date : 24-11-2020

CORAM:

THE HON'BLE MR. JUSTICE R.SURESH KUMAR

W.P.No.16506 of 2020
and W.M.P.No.20481 of 2020

K.Murthy

...Petitioner

-vs-

1. The Managing Director
Chennai Transport Corporation
Pallavan Illam,
Chennai - 600 002.

2. The Deputy Manager
Revenue North Division HQ,
Pallavan Illam,
Chennai - 600 002.

3. The Assistant Manager
Employees Attendance Registering Centre,
Pallavan Illam,
Chennai - 600 002.

... Respondents

Writ petition filed under Article 226 of Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, to call for the records in I.D.No.247 of 2013, dated 22.03.2019 on the file of the II Additional Labour Court and quash the impugned order, dated 22.03.2019 and consequently direct the petitioner to compulsory retirement with effect from 30.01.2008 and to settle terminal benefits like gratuity, GPF, Pension, Arrear of Pension, Bonus and all other benefits to the petitioner.

For Petitioner : Mrs.N.Beulah John Selvaraj

For Respondents: Mr.Prithivi Raj
for Mr.K.Murthy, Standing counsel

ORDER

The prayer sought for herein is for a writ of certiorarified mandamus, to call for the records in I.D.No.247 of 2013, dated 22.03.2019 on the file of the II Additional Labour Court and

quash the impugned order, dated 22.03.2019 and consequently direct the petitioner to compulsory retirement with effect from 30.01.2008 and to settle terminal benefits like gratuity, GPF, Pension, Arrear of Pension, Bonus and all other benefits to the petitioner.

2. Though such a prayer was sought for in this writ petition, when the case is taken up for hearing today, Mrs.N.Beulah John Selvaraj, learned counsel appearing for the petitioner / workman has submitted that, the petitioner has given instructions to confine with the prayer of mandamus only instead of certiorarified mandamus as has been sought for, to the extent of giving direction to the employer to comply with the Award given by the Labour Court in I.D.No.247 of 2013, dated 22.03.2019.

3. In this regard, the learned counsel also would submit that, a representation has also been made by the petitioner on 13.04.2019 to the respondents seeking the retiral benefits based on the Labour Court Award, which made the punishment awarded against the petitioner into a compulsory retirement from the order of termination of service. The said representation since also has not been considered and the retiral benefits has not so far been disbursed to the petitioner, she would request that, if that representation is directed to be considered on merits and in accordance with law, within a time frame stipulated by this Court, the petitioner would be satisfied.

4. Heard Mr.Prithivi Raj, representing Mr.K.Murthy, learned Standing counsel appearing for the respondents who would submit that, since the writ petition has been filed against the order passed by the Labour Court made in I.D.No.247 of 2013, dated 22.03.2019 and also the petitioner having accepted the said verdict, now has come forward to confine with his prayer only to the extent of mandamus, seeking a direction to the respondent transport corporation / employer to disburse the retiral benefits on the basis of punishment of compulsory retirement as modified by the Labour Court Award by considering the representation of the petitioner, dated 13.04.2019, the respondents would consider the said representation on merits, of course pursuant to the Labour Court Award made in I.D.No.247 of 2013, dated 22.03.2019 and accordingly, disburse the retiral benefits within a reasonable time that may be stipulated by this Court.

5. I have considered the said submissions made by the parties and have perused the materials placed before this Court.

6. Though the prayer of writ of certiorarified mandamus has been sought for challenging the award of the Labour Court dated

22.03.2019 made in I.D.No.247 of 2013, in view of the stand now taken by the petitioner as has been stated by the learned counsel appearing for the petitioner that, if a direction by way of mandamus is issued to the respondents to comply with the order of the Labour Court Award by considering the representation of the petitioner, dated 13.04.2019 and in view of the stand now taken by the learned Standing counsel appearing for the respondents with regard to considering the said representation of the petitioner only, this Court is inclined to dispose of this writ petition with the following orders :

(i) that the respondents are directed to consider the representation of the petitioner, dated 13.04.2019 and pass necessary orders thereon.

(ii) While considering the same, the respondents shall take into account the Award passed by the Labour Court in I.D.No.247 of 2013, dated 22.03.2019. whereby a punishment of termination of service inflicted against the petitioner has been modified into a compulsory retirement and accordingly, necessary orders shall be passed by the respondents, disbursing the retiral and other benefits payable to the petitioner, by taking into account the modified punishment of compulsory retirement and thereby such retiral benefits shall be disbursed to the petitioner within a period of three months from the date of receipt of a copy of this order.

7. With these directions, the writ petition is disposed of. Consequently, connected miscellaneous petition is closed. However there shall be no order as to costs.

s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

tsvn

To

1. The Managing Director
Chennai Transport Corporation
Pallavan Illam,
Chennai - 600 002.

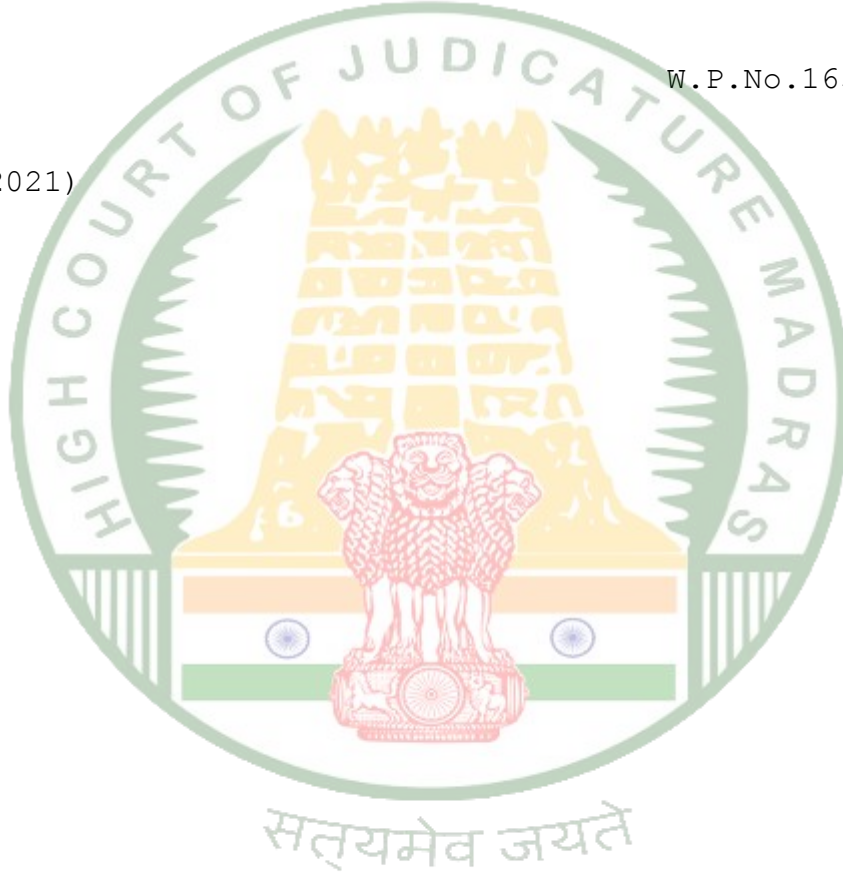
2. The Deputy Manager
Revenue North Division HQ,
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3. The Assistant Manager
Employees Attendance Registering Centre,
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+1 CC to Mr.N.Beulah John Selvaraj, Advocate sr 37697.

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LN(CO)
SP(08/01/2021)



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