



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.03.2020

CORAM:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

W.P.(MD) No.4572 of 2020

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R.Elangovan

... Petitioner

vs.

1.The Management of
Tamil Nadu State Transport Corporation
(Madurai) Limited
Represented by its Managing Director
Bye-Pass Road, Madurai -10

2.The General Manager
Tamil Nadu State Transport Corporation
(Madurai) Ltd.,
Dindigul Region, Bypass Road
Madurai

3.The Administrator
Tamil Nadu State Transport Corporation
Pension Fund Trust, Thiruvalluvar House
Pallavan Salai, Chennai 600 002

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of mandamus, directing the respondents to sanction the petitioner's pension for the entire period of his service from the date of his confirmation ie. 01.04.1994 to till the date of the petitioner's retirement ie. 31.03.2017 totalling 22 years and 11 months of actual service period by receiving his contribution with interest for his non employment period commencing from 16.04.2002 to 05.04.2010 (7 years, 11 and 20 days) on the basis of the petitioner's representation dated 02.08.2018 within a time frame as fixed by this Court.

For Petitioner : Mr.J.Lawrance
For R1 & R2 : Mr.T.Senthil Kumariah

O R D E R

This Writ petition has been filed for a direction to the respondents to sanction the petitioner's pension for the entire period of his service from the date of his confirmation ie. 01.04.1994 to till the date of the petitioner's retirement ie. 31.03.2017 totalling 22 years and 11 months of actual service period by receiving his contribution with interest for his non employment period commencing from 16.04.2002 to 05.04.2010 (7 years, 11 months



and 20 days) on the basis of the petitioner's representation dated 02.08.2018 within a time frame to be fixed by this Court.

2.By consent of parties, this writ petition is taken up for final disposal at the stage of admission itself.

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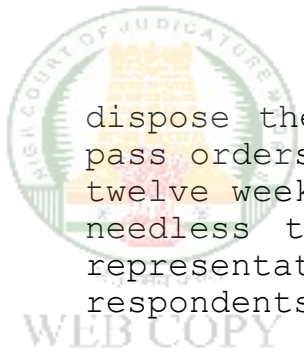
3. The case of the petitioner is that the petitioner joined as a Conductor in the respondents Corporation on 12.11.1992 and his service was confirmed w.e.f. 01.04.1994. The petitioner retired from service on 31.03.2017 on attaining the age of superannuation. While the petitioner was in service, the second respondent issued a charge memo against the petitioner alleging that he was absent from service from November 2000 to September 2001 without any proper sanction of leave and without any intimation. After conducting enquiry, the second respondent dismissed the petitioner from service. Against which, the petitioner has raised an industrial dispute before the Labour Court, Trichy (Camp-Dindigul) in I.D.No.34 of 2008. After hearing the case, the learned Judge directed the respondents to reinstate the petitioner into service with continuity of service but without back wages. Against the order of the Labour Court, the Management filed a writ petition in W.P(MD).No.5348 of 2011 where this Court dismissed the writ petition and confirmed the order passed by the Labour Court. After dismissal of the writ petition, the petitioner made detailed representations to the respondents on 19.01.2018, 14.02.2018 and 19.02.2018 respectively, requested to disburse the retirement benefits. But, so far, no action has been taken by the respondents Corporation. Hence, the petitioner is before this Court.

4.The learned counsel for the petitioner would submit that in the similar circumstances, number of employees of the respondents Corporation have been extended the benefits after payment employees contribution. Hence, he would pray for such an extension to the petitioner also. Due to that, the petitioner sent a detailed representation, dated 02.08.2018 to the respondents Corporation. But, till date, no action has been taken to consider the petitioner's claim.

5.Though the learned counsel for the petitioner has sought for larger relief, he submitted that it would be suffice, if a direction is issued to the respondents Corporation to consider the representation of the petitioner, dated 02.08.2018 within a time frame that may be stipulated by this Court, for which, the learned counsel for the respondents has no objection for considering the representation.

6.Heard the learned counsel for the petitioner as well as the learned counsel appearing for the respondents 1 and 2.

7.Considering the above submission and without advertting to the merits of the case, the respondents Corporation are directed to



dispose the representation of the petitioner, dated 02.08.2018 and pass orders on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order. It is needless to say that the petitioner shall send the copy of the representation, dated 02.08.2018 along with this order copy to the respondents Corporation.

8. With the above directions, this Writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (writs)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

msa

To:-

1. The Managing Director
Tamil Nadu State Transport Corporation
(Madurai) Limited
Bye-Pass Road, Madurai -10
2. The General Manager
Tamil Nadu State Transport Corporation
(Madurai) Ltd.,
Dindigul Region, Bypass Road
Madurai
3. The Administrator
Tamil Nadu State Transport Corporation
Pension Fund Trust, Thiruvalluvar House
Pallavan Salai, Chennai 600 002

+1 CC to Mr.J.SENTHIL KUMARAI AH, Advocate (SR-10455[F] dated 06/03/2020)

W.P. (MD) No.4572 of 2020

04.03.2020

MK (16.03.2020) 3P 5C