



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.12.2020

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THE HONOURABLE MR.JUSTICE **N.KIRUBAKARAN**

AND

THE HONOURABLE MR.JUSTICE **B.PUGALENDHI**

WEB COPY

W.A. (MD)No.1059 of 2020
and C.M.P. (MD)No.5810 of 2020

The Managing Director,
Tamil Nadu State Transport Corporation
(Madurai) Ltd.,
Bye pass Road,
Madurai.

... Appellant

versus

1. A.Pitchaiah
2. The Administrator,
Tamil Nadu State Transport
Corporation Employees
Pension Fund Trust,
Thiruvallur Illam,
Annasalai,
Chennai -2.

... Respondents

Writ Appeal filed under Clause 15 of Letters Patent, against the order dated 19.03.2019 passed in W.P.(MD)No.1514 of 2017.

Prayer in WP(MD). 1514/ 2017 :

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents to pay petitioner monetary benefits forthwith basic pay amount taking into account the period from 27.07.2001 to 31.05.2011 for calculating the differential basic pay amount Rs.1,90,000/- differential pension amount Rs.3,58,060/- which is effect from 31.05.2011 different in gratuity amount Rs.6,762/- and pay the back wages from 21.12.1994 to 27.07.2001 amount Rs.2,08,880/-benefits are all the above as per the award dated 29.01.2001 passed in I.D.No.189 of 1995 by the Labour Court, Thirunelveli as confirmed by the Madras High Court in W.P.No.18300 of 2001 and also refund the amount of Rs.35,000/- which was recovered by the first respondent with reasonable rate of interest.

For Appellant : M/s.J.Senthil Kumaraiah
For Respondents : Mr.Muthu Vinayagam for R1



JUDGMENT

[Judgment of this Court was delivered by **N.KIRUBAKARAN, J.**]

This appeal has been filed against the order, dated 19.03.2019, passed by the learned Single Judge in W.P.(MD)No.1514 of 2017, by which, the appellant was directed to settle the amount to the first respondent/Driver, who is entitled to the retirement benefits.

2. The learned Single Judge directed the appellant to settle the amount due, if any, to the first respondent. Therefore, this writ appeal is liable to be dismissed.

3. That apart, the order passed by the learned Single Judge is acted upon by the appellant. When that is the position, the appellant could not have filed this writ appeal.

4. Therefore, the Writ Appeal is dismissed. No costs. Consequently, connected miscellaneous petition is also dismissed.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

+1 CC to Mr.S.MUTHU KUMAR, Advocate SR-25831.

W.A. (MD)No.1059 of 2020

15.12.2020

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