



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **01.10.2020**

CORAM

THE HON'BLE MR.JUSTICE R.SURESH KUMAR

W.P. (MD)No.13210 of 2020

N.Rajendran

...Petitioner

-Vs-

1.The Managing Director,
The Tamil Nadu State Transport Corporation,
(KUM) Ltd.,
27, New Railway Station Road,
Kumbakonam-612 001.

2.The General Manager,
Tamil Nadu State Transport Corpn., (KUM) Ltd.,
Pudukkottai Region,
Thirumaiyam Salai,
Pudukkottai District-622 001.

...Respondents

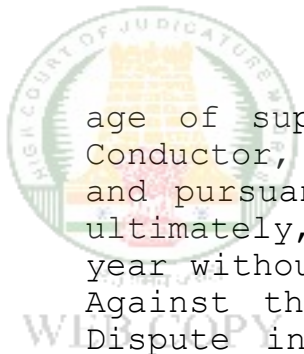
Prayer: Writ Petition - filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, directing the respondents to promote the petitioner to the post of Checking Inspector from 13.05.2008 and from 15.08.2014 as a Transport Inspector TI with retrospective effect respectively and consequently on the base of the same to revise petitioner's terminal benefits and pension and to disburse the difference amount of terminal benefits and pensions along with interest at the rate of 6% to the petitioner on the base of the petitioner's representation dated 20.04.2020.

For Petitioner : Mr.K.Gokul
For Respondents : Mr.P.M.Vishnuvarthanan
Standing Counsel

ORDER

The prayer sought for in this writ petition is for a Writ of Mandamus, directing the respondents to promote the petitioner to the post of Checking Inspector from 13.05.2008 and from 15.08.2014 as a Transport Inspector with retrospective effect respectively and consequently, on the base of the same to revise petitioner's terminal benefits and pension and to disburse the difference amount of terminal benefits and pensions along with interest at the rate of 6% to the petitioner on the basis of the petitioner's representation dated 20.04.2020.

2. The petitioner was working as Checking Inspector at the respondents corporation and retired from service on attaining the



age of superannuation on 30.11.2014. While he was working as a Conductor, on 19.04.2008 there was a charge against the petitioner and pursuant to which, disciplinary proceedings were initiated and ultimately, punishment of stoppage of increment for a period of one year without cumulative effect was inflicted against the petitioner. Against the said punishment, the petitioner raised an Industrial Dispute in I.D.No.18 of 2012 on the file of the Labour Court, Tiruchirapalli, where, the Labour Court, by award, dated 29.11.2016, allowed the said I.D., by setting aside the punishment inflicted against the petitioner.

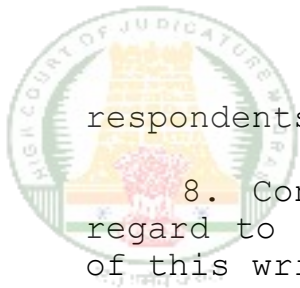
3. As against the said award of the Labour Court, the Management filed a writ petition before this Court in W.P(MD) No.21680 of 2018. The writ petition came to be decided by the Writ Court on 24.01.2019, where, the learned Judge, having taken note of very minimum punishment originally awarded against the petitioner by the management and also taking note of the fact that the petitioner, in the meanwhile retired from service on 30.11.2014, had rejected the writ petition filed by the Management.

4. In this context, now the grievance of the petitioner is that, because of the punishment awarded against the petitioner, which was subsequently set aside by the Labour Court and the same has also been confirmed by the Writ Court in the writ petition filed by the Management, the promotion as Checking Inspector in the year 2008 and Traffic Inspector in the year 2014 were not given in time and in fact the second promotion, namely, the Traffic Inspector was not at all given to the petitioner. Therefore, the petitioner, in order to get those promotions and for consequential service benefits, has given a representation on 20.04.2020 to the respondents transport corporation and the said representation, since has not been considered, he has moved the present writ petition with the aforesaid prayer.

5. The learned counsel appearing for the petitioner reiterated the above facts and seeks indulgence of this Court to issue a direction to the respondents to consider the representation of the petitioner on merits and in accordance with law with regard to the grievance projected by the petitioner in the said representation.

6. The learned Standing Counsel appearing for the respondents would submit that, no doubt, the punishment inflicted against the petitioner was subsequently set aside by the Labour Court and the same also, having been confirmed by the Writ Court and if any appeal is filed by the Management has to be verified and if no appeal is filed by the Management, accordingly, the petitioner's representation dated 20.04.2020 would be decided on merits within the time frame to be stipulated by this Court.

7. I have heard the learned counsel appearing for the petitioner and the learned Standing Counsel appearing for the respondents.



respondents and I have perused the materials available on record.

8. Considering the submissions made by both sides and having regard to the facts of the case, this Court is inclined to dispose of this writ petition with the following orders:-

“that the respondents are hereby directed to consider the representation of the petitioner, dated 20.04.2020 and decide the same on merits and in accordance with law with regard to the grievance of the petitioner projected therein and pass necessary orders, within a period of eight (8) weeks from the date of receipt of a copy of this order.”

9. With this direction, the writ petition is disposed of. No costs.

Sd/-

Assistant Registrar(CRL SIDE)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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Note:

(i) 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.

TO

1.The Managing Director,
The Tamil Nadu State Transport Corporation, (KUM) Ltd.,
27, New Railway Station Road, Kumbakonam-612 001.

2.The General Manager,
Tamil Nadu State Transport Corpn., (KUM) Ltd.,
Pudukkottai Region, Thirumaiyam Salai,
Pudukkottai District-622 001.

+1 CC to M/s.P.M. VISHHNUVARTHANAN, Advocate (SR-18648[F] dated 01/10/2020)

+1 CC to M/s.K. GOKUL, Advocate (SR-18802[F] dated 01/10/2020)

Order made in

W.P. (MD)No.13210 of 2020

Dated:**01.10.2020**

MJ(CO)

TR(16.12.2020) 3P 5C