



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.11.2020

CORAM:

THE HONOURABLE MR. JUSTICE KRISHNAN RAMASAMY

W.P.[MD]No.16287 of 2020

W.P.Selvaraj

... Petitioner

Vs.

1.The Tamil Nadu State Transport,
Corporation (Kottam - 3, Kumbakonam) Limited,
Rep. By its Managing Director,
Kumbakonam.

2.The General Manager,
The Tamilnadu State Transport
Corporation (Kottam - 3, Kumbakonam) Limited,
Maruthupadhi, Managiri Road,
Karaikudi, Sivagangai District.

3.The Administrator,
Tamil Nadu State Transport
Corporation Pension Fund Trust,
Thiruvalluvar illam,
Pallavan Salai,
Chennai - 2.

... Respondents

PRAYER : This Writ Petition is filed under Article 226 of Constitution of India for issuance of Writ of Mandamus, to direct the respondents to notionally reinstate the petitioner in service and to forthwith pay all his terminal benefits including his salary to be paid, along with gratuity all retirement benefits and pension together with 18% interest per annum.

For Petitioner : Mr.P.E.Pandiarajan
For Respondents : Mr.P.M.Vishnuvarthanan
Standing Counsel

O R D E R

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

2.This writ petition has been filed to direct the respondents to notionally reinstate the petitioner in service and to forthwith pay all his terminal benefits including his salary to be paid, along with gratuity all retirement benefits and pension together with 18% interest per annum.

3.It is the contention of the petitioner that he had joined the first respondent corporation as a Driver on

<https://hcservices.goq.in/hcservices/>



08.01.1985. He was dismissed from service with effect from 03.12.1996 on the ground that unauthorized absent from duty. Challenging the said dismissal order dated 03.12.1996, the petitioner raised an Industrial Dispute in ID No.143/1997 before the Labour Court, Madurai. By an award dated 19.05.2008, the Labour Court Madurai, was pleased to set aside the dismissal order and directed the respondents Management to reinstate the petitioner in service within two months from the date of order with continuity of service.

4.The further contention of the petitioner is that he was retired from service on 17.12.2016 and he has not received his terminal benefits so far. Though the Industrial Tribunal has passed an order on 19.05.2008, the respondents have not taken any steps to comply with the above order for the past 12 years. In this regard, he has already given representations dated 25.02.2019 and 05.10.2020 and the same was not considered till date. Therefore, without any other option, the petitioner approaches this Court with the present writ petition.

5.The learned counsel for the respondents would fairly submit that the petitioner was dismissed from service with effect from 03.12.1996 and there was a direction to reinstate the petitioner within a period of two months from the date of order with continuity of service. The said order has not been given effect. He would further submit that the representations of the petitioner dated 25.02.2019 and 05.10.2020 will be considered on merits and in accordance with law.

6.In view of the submissions made by the learned counsel appearing on either side and in view of the fact that the present issue is pending for the past 12 years, though the Industrial Tribunal has passed an order to reinstate the petitioner with continuity of service, this Court directs the respondents to dispose of the petitioner's representations dated 25.02.2019 and 05.10.2020 within a period of eight weeks from the date of receipt of a copy of this order and to disburse the terminal benefits within a period of eight weeks thereafter.

7.With the above directions, this Writ Petition is disposed of. No costs.

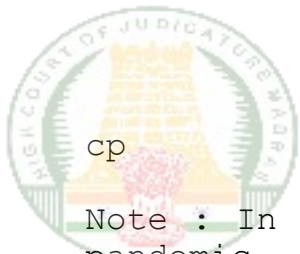
Sd/-

Assistant Registrar (CSII)

// 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.

To:-

- 1.The Managing Director,
Tamil Nadu State Transport
Corporation (Kottam - 3, Kumbakonam) Limited,
Kumbakonam.
- 2.The General Manager,
Tamilnadu State Transport
Corporation (Kottam - 3, Kumbakonam) Limited,
Maruthupadhi, Managiri Road,
Karaikudi, Sivagangai District.
- 3.The Administrator,
Tamil Nadu State Transport
Corporation Pension Fund Trust,
Thiruvalluvar illam,
Pallavan Salai,
Chennai - 2.

+1 CC to M/s.P.E.PANDIARAJAN, Advocate (SR-22143[F] dated
19/11/2020)

+1 CC to M/s.P.M. VISHNUVARTHANAN, Advocate (SR-22167[F] dated
19/11/2020)

W.P.[MD]No.16287 of 2020
19.11.2020

VR(CO)
KB(03.12.2020) 3P 6C