



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 20.01.2020
CORAM

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

W.P (MD) No.21293 of 2014

M.Pugalendhi

.. Petitioner

Vs.

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

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

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents herein to refix the petitioner's basic pay on completion of punishment of stoppage of increment for a period 5 years in the pay scale of Rs.11,535/- with all other attendant benefits with effect from 17.09.2008 by considering his representation dated 11.12.2014 and pass such further or other orders.

For Petitioner : Mr.J.Lawrance

For Respondents : Mr.J.Senthil Kumaraiah

ORDER

This writ petition has been filed for issuance of a Writ of Mandamus to direct the respondents to refix the petitioner's basic pay on completion of punishment of stoppage of increment for a period 5 years in the pay scale of Rs.11,535/- with all other attendant benefits with effect from 17.09.2008 by considering his representation, dated 11.12.2014.

2.The case of the petitioner is that he is working as Assistant Tradesman in the 1st respondent Corporation. He took leave from 24.10.2000 to 20.12.2000 after informing to his Branch Manager and he was allowed to join duty on 21.12.2000. On 19.01.2001, he was issued with a charge memo stating that he was remained absent from



duty without sanctioning the leave and a disciplinary proceeding was initiated and after completion of enquiry, the disciplinary authority by an order dated 28.05.2001 imposed the punishment of dismissal from service. Against which, he raised an Industrial Dispute in I.D.No.168 of 2003 before the Labour Court, Trichy and the Labour Court by an award dated 30.07.2008, set aside the punishment of dismissal from service and modified the punishment into stoppage of five annual increments without cumulative effect and further directed that he is entitled for continuity of service without backwages. The punishment period of stoppage of increment for a period of 5 years came to an end during his termination period i.e., on 28.05.2006. The 1st respondent by an order dated 09.06.2009, ordered reinstatement into service and he was posted in the 2nd respondent branch. Since the respondents did not reinstate him from the date of award and the respondents fixed his basic salary as Rs.8,195/- instead of Rs.11,535/- and his seniority was not revised as per the modified punishment, he made representations dated 06.02.2013 and 11.12.2014 to the respondents. Since the same were not considered, the petitioner has come up with the present writ petition.

3. Even though the learned counsel for the petitioner raised several grounds in the Writ petition, he submitted that it would suffice, if a direction is issued to the respondents to consider the representation of the petitioner, dated 11.12.2014, within a time frame, for which, the learned counsel appearing for the respondents, has no serious objection.

4. Considering the limited scope of the relief sought for, this Court, without advertent to the merits of the petitioner's claim, directs the respondents to consider the representation of the petitioner dated 11.12.2014, and pass appropriate orders on its own merit and in accordance with law, within a period of twelve (12) weeks from the date of receipt of a copy of this order. While sending the copy of this order, the petitioner shall enclose the copy of the representation, dated 11.12.2014, to the respondents.

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

Sd/-

Assistant Registrar ()

// True Copy //

/ /2020

Sub Assistant Registrar (CS)



To

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

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

+1 CC to M/s.J.LAWRENCE, Advocate (SR-2055[F] dated 20/01/2020)

+1 CC to M/s.J.SENTHIL KUMARAI AH, Advocate (SR-2364[F] 22/01/2020)

**ORDER MADE IN
W.P (MD) No.21293 of 2014**

20.01.2020

smn

SDS (31.01.2020) 3P-5C