



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.12.2021

CORAM

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.NO.24038 OF 2012

A.Chandran

...Petitioner

Vs.

The Managing Director,
Metropolitan Transport Corporation
Ltd. (Chennai),
Pallavan House, Anna Salai,
Chennai 600 002.

...Respondents

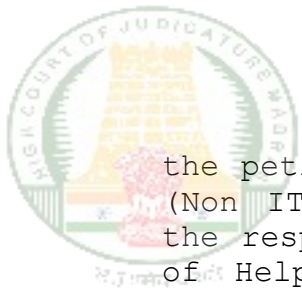
Prayer:- The Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Certiorarified Mandamus, to call for the records of the respondent in his proceedings letter No.32818/PS(A)2/MTC/2010 dated 18.12.2010 and quash the same and to direct the respondent to give service benefits and settle pension and arrears of salary to the petitioner.

For Petitioner : Mr.Sethuvarayan
for Mr.C.Samadharm Arasu

For Respondent : Mr.K.Moorthy

ORDER

The petitioner was appointed as Conductor in the respondent Corporation on 27.8.1974 and the petitioner made representation to the respondent to give light duties stating that he was suffering mental agony. The petitioner was referred to Medical Board to ascertain fitness to the appointed post and the Board found the petitioner is unfit for Conductor post. Thereafter, show cause memo was served on him. After getting explanation from the petitioner, based on the report given by the Medical Board, the petitioner was discharged from service on medical grounds on 1.5.1986. Thereafter, based on his representation,



the petitioner was reinstated in service from 1.6.1996 as Helper (Non ITI) on temporary basis. Challenging the order passed by the respondent Corporation appointing the petitioner in the post of Helper (Non ITI) the petitioner has filed writ petition before this Court in W.P.No.22064 of 2010. Again in 2010, he sent representation to the respondent Corporation on 12.7.2010 claiming pensionary benefits and arrears of salary. Pursuant to the said representation, the respondent Corporation passed the impugned order. Challenging the said order, the petitioner has preferred the present writ petition before this Court.

2. According to the counsel appearing for the respondent, the request of the petitioner was examined in the light of provisions contained in G.O.No.746, dated 12.7.1981, he has been provided with alternate employment as Helper (Non ITI) as done in similar cases and further stated that terminal benefits of the petitioner was settled as per Rules. Now, the petitioner was retired from service. Further, it is stated that Persons with the disabilities (Equal Opportunities Protection of Rights and full participation) Act, 1995 which came into force on 7.2.1996. In the instant case, representation made by the petitioner was considered in the year 1985 and based on the Government order, alternate employment was provided prior to the Act coming into force. Again in 2010, he sent lawyer's notice, dated 12.7.2010 claiming pensionary benefits and arrears of salary. Challenging the order passed by the respondent Corporation appointing the petitioner in the post of Helper (Non ITI) the petitioner has filed writ petition before this Court in W.P.No.22064 of 2010. This Court by its order dated 19.10.2010 directed the respondent to consider the representation of the petitioner and pass orders on merit and in accordance with law. According to the learned counsel appearing for the respondent Corporation, the petitioner has not submitted representation, only lawyer's notice has been sent to the Corporation.

3. The learned counsel appearing for the petitioner would submit that service rendered by the petitioner in the respondent Corporation shall be taken into account from the date of his initial appointment for the purpose of pensionary benefits. Even though he was retired from service on 31.5.2010, he is entitled for revised pensionary benefits in the respondent Corporation. The said aspect was not taken into account by the respondent.

4. No counter affidavit has been filed by the respondent Corporation.

5. Considering the claim of the petitioner and taking note of the fact that no counter affidavit has been filed by the



respondent Corporation for a period of 9 long years, this Court directs the petitioner to submit fresh representation to the respondent within a period of two weeks from the date of receipt of copy of this order. On receipt of the said representation, the respondent shall pass appropriate orders on merit and in accordance with law as expeditiously as possible preferably within a period of 12 weeks thereafter.

6. The writ petition is disposed of with the above directions. No cost.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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To

The Managing Director,
Metropolitan Transport Corporation Ltd. (Chennai),
Pallavan House, Anna Salai, Chennai 600 002.

+2ccs to Mr.C.Samadharm Arasu, Counsel for the Petitioner,
S.R.No.66427

+1cc to Mr.K.Moorthy, Counsel for the Respondent, S.R.No.66384

W.P.No.24038 of 2012

KJ(CO)
RLP(30/12/2021)