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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.01.2021

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THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.8347 of 2014

P.Venkatesan

...Petitioner

Vs.

- 1.Tamil Nadu State Transport Corporation
(Villupuram) Ltd rep. by its
Managing Director,
Vazhuthareddy, Villupuram.
- 2.The General Manager,
Tamil Nadu State Transport Corporation
(Villupuram) Ltd.
Rangapuram, Vellore.
- 3.Metropolitan Transport Corporation
Ltd. rep. by its Managing Director,
Pallavan Salai, Chennai -2.
- 4.Metropolitan Transport Corporation
Employees Provident Fund Trust
rep. by its Administrator
Metropolitan Transport Corporation Ltd.,
Pallavan Salai, Chennai -2.

...Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the respondents to restore the petitioner pay to his original position from the date of expiry of 5 years with arrears and all other consequential benefits and to grant the petitioner's 3rd, 4th and 5th review benefits with arrears and other consequential benefits from the due dates and to pay the petitioner the revised terminal benefits and also to pay the petitioner the PF accumulations, which stood to his earlier PF Account No.8517 with compound interest and also pay the petitioner compound interest for a sum of Rs.8495/- from the date of deduction to the date of payment.



For Petitioner : Mr.V.Ajoy Khose

For Respondents : Mr.C.S.K.Sathish Kumar

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ORDER

This writ petition has been filed for a mandamus, directing the respondents to restore the petitioner's pay to his original position from the date of expiry of 5 years with arrears and also grant his 3rd, 4th and 5th review benefits with arrears and all other consequential benefits and pay the petitioner the revised terminal benefits and PF accumulations, which stood to his earlier Provident Fund Account bearing No.8517 with interest and also pay interest for a sum of Rs.8,495/- from the date of deduction to the date of payment.

2.According to the petitioner, he joined the services of the erstwhile Pallavan Transport Corporation (District) Ltd, as a conductor on 02.06.1975. Subsequently, he was transferred and absorbed in the second respondent Corporation with continuity of service in the year 1983. While he was working as such, he was dismissed from service by an order of the second respondent dated 22.07.1993. Challenging the same, he filed ID.No.443/1994 before the Labour Court, which after due trial, passed an award dated 20.11.1994 directing the second respondent to reinstate the petitioner as a fresh entrant Conductor. Accordingly, the petitioner was reinstated in service, However, he filed WP.No.5599/1998 against the award of the labour Court with respect to denial of continuity of service, backwages and other attendant benefits. This Court by order dated 21.06.2006, partly allowed the said writ petition directing the second respondent to give the benefit of continuity of service and other attendant benefits and accordingly, refix the salary by giving incremental benefits. The said order was duly complied with by the second respondent.

3.It is the further case of the petitioner that he was issued with another charge memo on 10.08.2020. Pursuant to the same, enquiry was conducted, which ended in final order dated 12.02.2002 imposing a punishment of reduction in basic pay to the initial basic pay in the starting scale of pay of Rs.3260.60 - 3740 - 65 - 4755, which is applicable to the post of a fresh entrant conductor for a period of five years and the period of suspension was directed to be treated as leave subject to the availability of leave to his credit. Based on the said order, his basic pay was reduced to the basic pay as applicable to a fresh entrant conductor and the increments and revision, which he earned from 1975 to January 2002, were totally wiped out and taken away.



4.It is the grievance of the petitioner that even after the expiry of 5 years punishment period, his pay was not restored. In the mean while, he retired from service on 31.01.2011, on attaining the age of superannuation and he was paid Provident Fund amount only for the period from the date of reinstatement to the date of retirement. He was not paid the PF amount which was standing to his credit from the date of his absorption to the date of his dismissal in the second respondent Corporation and the PF accumulation, which was standing to the credit of the PF account from the date of his joining to the date of transfer and absorption in Vellore Corporation. That apart, he was not given third review on completion of 24 years of service and according to the petitioner, he was entitled to all 5 reviews since he has served for 36 years of service and he was not at all given any review after his reinstatement till he retired from service. Therefore, the petitioner has come up with this writ petition for the aforesaid relief.

5.The learned counsel for the petitioner submitted that the petitioner already submitted a representation dated 11.03.2013 to the respondents requesting to restore his original pay with all consequential benefits, grant of the 3rd, 4th and 5th review benefits and settle his PF account stood in his previous account and pay interest for Rs.8,495/- and hence, the same may be directed to be considered by the respondents, within a reasonable time to be fixed by this Court.

6.On the other hand, the learned Additional Government Pleader appearing for the respondents has no serious objection for granting such relief to the petitioner.

7.Considering the facts and circumstances of the case and having regard to the submissions made by the learned counsel on either side, this Court directs the respondents to consider the representation dated 11.03.2013 submitted by the petitioner, if not already considered and pass appropriate orders, on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.

8.Accordingly, the writ petition stands disposed of. No costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar



To

1. Managing Director,
Tamil Nadu State Transport Corporation (Villupuram) Ltd
Vazhuthareddy, Villupuram.
2. The General Manager,
Tamil Nadu State Transport Corporation
(Villupuram) Ltd. Rangapuram, Vellore.
3. Managing Director,
Metropolitan Transport Corporation
Pallavan Salai, Chennai -2.
4. Administrator,
Metropolitan Transport Corporation
Employees Provident Fund Trust
Metropolitan Transport Corporation Ltd.,
Pallavan Salai, Chennai -2.

+1cc to Mr.C.S.K. Sathish, Advocate, Sr.2859/2021

+1cc to Mr.V. Ajay Khose, Advocate, Sr.7711/2021

W.P.No.8347 of 2014

SR(co)

NSK 14/07/2021