

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 06.01.2021
CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.7357 of 2014

M.Abbas

... Petitioner

Vs

1. State Express Transport Corporation
Ltd., rep. By its Managing Director,
No.2, Pallavan Salai, Chennai - 2.

2. Tamilnadu State Transport Corporation
Employees Pension Fund Trust
Rep. by its Administrator
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 pay the petitioner the backwages and all other attendant benefits from the date of dismissal to the date of superannuation by taking as if he continued in service during that period and also to settle the petitioner forthwith all terminal benefits such as Provident Fund, Gratuity, Commuted Value of Pension, monthly Pension etc., together with interest at the rate of 12%.

For Petitioner : Mr.R.Krishnaswamy

For Respondents : Mr.R.P.Pratap Singh for R1
Mr.Kathiresan for R2

ORDER

The case projected in this writ petition is as follows:

The petitioner joined in the respondent Corporation as driver on 30.11.1998. While so, he was issued with a charge memo dated 25.06.2008 alleging certain charges, to which, he submitted his explanation. However, the first respondent ordered an enquiry, which ended in dismissal of service, by order dated 26.11.2008 and they filed A.P.No.3 of 2011, seeking approval of the said order of dismissing the petitioner from service, which was dismissed by the Special Deputy Commissioner of Labour, Chennai, by order dated 27.12.2012. In the meantime, the petitioner retired from service, on attaining the age of superannuation. Pursuant to the said order passed in the approval petition, the petitioner requested the first respondent to pay backwages and all other attendant benefits from the date

of dismissal to the date of superannuation as if he was in service and also settle the terminal benefits with interest. Since the said request was not acceded, the petitioner has come up with the present writ petition seeking a direction to the respondents in this regard.

2.Today, when the matter was taken up for consideration, the learned counsel appearing for the petitioner submitted that subsequent to the filing of this writ petition, the first respondent filed a writ petition in W.P.No.25722 of 2014, challenging the order dated 27.12.2012 passed by the Deputy Commissioner of Labour, Chennai in A.P.No.3 of 2011 and hence, this writ petition may be closed granting liberty to the petitioner to work out his remedy in the said writ petition.

3.Granted such liberty to the petitioner, this writ petition stands closed. No costs.

Sd/-
Assistant Registrar (CS.II)

/True Copy/

Sub Assistant Registrar

To

1. The Managing Director,
State Express Transport Corporation Ltd.,
No.2, Pallavan Salai, Chennai - 2.

2. The Administrator,
Tamilnadu State Transport Corporation,
Employees Pension Fund Trust,
Pallavan Salai, Chennai -2.

+1cc to Mr.K.Kathiresan, Advocate Sr.No.591

AKM/17.02.21 /2P-4C/

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