



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.01.2021

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.27890 of 2014

S.V.Sampath

.. Petitioner

.. Vs ..

1. The Managing Director
Metropolitan Transport Corporation,
Anna Salai, Pallavan Illam,
Chennai - 600 002.
2. The Administrator,
Tamil Nadu State Transport Corporation,
Employees Pension Fund,
Pallavan Salai, Chennai - 600 002.

.. Respondents

Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus directing the first respondent to pay pension and other terminal benefits to the petitioner.

For Petitioner : Mr.S.T.Varadarajulu
For Respondents : Mr.K.Murthy

ORDER

This writ petition has been filed seeking a mandamus, directing the first respondent to pay pension and other terminal benefits to the petitioner.

2.It is the case of the petitioner that he joined the services of the respondent Corporation on 24.05.1983 as conductor. Initially, he was given duty at Madhavaram depot and thereafter, he was transferred to Perambur Depot. While so, he was affected by Hepatitis B with hyper tension, due to which, he took leave from 31.05.2007. After recovery, he reported for duty, however, he was not permitted to do so. Subsequently, he was issued with a show cause notice dated 04.12.2007 and without any enquiry, he was dismissed from service on 22.01.2008. According to the petitioner, as per the decision of the Apex Court in Jaipur Zila Sahakari Bhoomi Vikas Bank Ltd. Vs. Ramgopal Sharma and others, [2002 (1) LLN page 639], since the respondent Corporation did not get approval for the order of dismissal passed against the petitioner, the same is non est in law and hence, the petitioner is entitled to reinstatement in



service with back wages and continuity of service. However, he reached the age of superannuation on 28.02.2013. In the said circumstances, he is entitled to get backwages from the date of dismissal from service to the date of retirement and terminal benefits, such as, pension, gratuity, P.F. etc. Claiming the said benefits, he has come up with this writ petition.

3.The learned counsel for the petitioner submitted that the petitioner already submitted a representation dated 05.02.2014 to the first respondent for claiming the relief as stated in this writ petition and hence, the same may be directed to be disposed of, within a time frame to be stipulated by this Court, for which, the learned counsel appearing for the respondents has no serious objection.

4.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 first respondent to consider the representation of the petitioner dated 05.02.2014, if not already considered and pass appropriate orders, on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order.

5.This writ petition stands disposed of accordingly. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

vrc

To

1. The Managing Director

Metropolitan Transport Corporation,
Anna Salai, Pallavan Illam, Chennai - 600 002.

2. The Administrator,

Tamil Nadu State Transport Corporation,
Employees Pension Fund, Pallavan Salai, Chennai - 600 002.

+1 cc to Mr.K.Murthy, Advocate Sr No.1302

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PMK (CO)

RG.28.04.2021 (2P/4C)