



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.02.2021

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

W.P. (MD) No.2884 of 2021

and

W.M.P (MD) No.2346 of 2021

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S.Subramani

...Petitioner

Vs.

1.The Managing Director,
Tamil Nadu State Transport Corporation Limited,
Head Office,
37,Mettupalayam Road,
Coimbatore-641 043.

2.The General Manager,
Tamil Nadu State Transport Corporation Limited,
Erode Region, Erode.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records in pursuant to the impugned order passed by the second respondent in Paa.No.71/MCOP/Tha.A.Po.Ka/EeMa/2020 dated 02.07.2020 and to quash the same as illegal and consequently directing the respondents to pay the year-wise bonus, Pongal Gift, benefits of Casual leave Medical Leave, earned leave, special festival holidays for the period from 08.02.1988 to 27.11.2002 and other benefits for which the petitioner is entitled along with 12% interest to the petitioner.

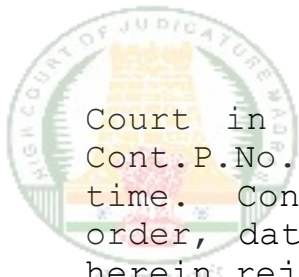
For Petitioner : Mr.S.Prasanth

For Respondents : Mr.J.Senthilkumaraiah
Standing Counsel

O R D E R

By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

2.In view of the non-consideration for payment of certain monetary benefits for the period from 08.02.1988 to 27.11.2020 together with interest, the petitioner herein filed a writ petition in W.P(MD) No.1406 of 2020 and this Court by an order, dated 24.02.2020, directed the first respondent to consider the petitioners request in this regard made on 09.11.2019, in the light of the earlier order of the Hon'ble Division Bench of this



Court in W.A.No.1148 of 2005, dated 28.08.2008, as well as in Cont.P.No.372 of 2010, dated 02.08.2010, within the stipulated time. Consequent to the order of this Court, the present impugned order, dated 02.07.2020, has been passed by the second respondent herein rejecting the petitioner's request.

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3. A perusal of the order does not reveal that the second respondent had complied with the directions of this Court made in W.P(MD) No.1406 of 2020. Thus it could be said that the present impugned order dated 02.07.2020 is in disobedience to the earlier order of this Court, dated 24.02.2020.

4.Nevertheless, the petitioner's entitlement to the monetary benefits should be decided by the respondents herein and this Court may not be justified in stepping into the shoes of the respondents for the purpose of considering the petitioner's claim. However, if the respondents are granted liberty to reconsider the petitioner's request, in the light of the directions of this Court made in W.P(MD) No.1406 of 2020, dated 24.02.2020, the ends of justice could be secured.

5.In the light of the above observations, the impugned order, dated 02.07.2020 stands quashed and the matter is remanded back to the second respondent herein for fresh consideration. While considering the petitioner's request, dated 09.11.2019, the second respondent shall strictly comply with the earlier directions of this Court made in W.P(MD) No.1406 of 2020, dated 24.02.2020 and pass appropriate orders within a period of four weeks from the date of receipt of a copy of this order.

6.Accordingly, this Writ Petition stands allowed. No cost. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (T&P)

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/ /2021

Sub Assistant Registrar (CS)

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NOTE:

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

- 1.The Managing Director,
Tamil Nadu State Transport Corporation Limited,
Head Office,
37,Mettupalayam Road,
Coimbatore-641 043.
- 2.The General Manager,
Tamil Nadu State Transport Corporation Limited,
Erode Region, Erode.

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