



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.11.2021

CORAM:

THE HONOURABLE DR JUSTICE ANITA SUMANTH

W.P. (MD) No.6751 of 2018

K.Ramu

... Petitioner

Vs

1.The Managing Director,
Tamilnadu State Transport Corporation(Madurai) Limited,
Bye Pass Road,
Madurai 625 010.

2.The General Manager,
Tamilnadu State Transport Corporation(Madurai) Limited,
Bye Pass Road,
Madurai - 625 010.

3.The Administrator,
Tamilnadu State Transport Corporation,
Employees Pension Trust,
Office of the SETC,
Pallavan Salai,
Chennai - 600 002.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of Mandamus directing the respondents to pay backwages from the date of the discharge of the petitioner i.e 04.02.2000 till the date of attaining the age of superannuation on 06.06.2010 with continuity of service and attendant benefits, and subsequently to revise the monthly pension at the revised scale.

For Petitioner : Mr.P.Athimoola pandian
for Mr.K.S.Muthu

For Respondents : Mr.J.Senthil Kumaraiah
Standing Counsel

O R D E R

Read this order in conjunction with the order passed by me on 12.11.2021, which reads as follows:

<https://hcservices.ecourts.gov.in/hcservices/>



"Heard Mr.H.Ilango, learned counsel for the petitioner and Mr.J.Senthil Kumaraiah, learned counsel for the respondents.

2. The petitioner was discharged from service as a Fitter in the respondent Corporation having rendered service for the period from 03.12.1980 till 04.01.2000. Discharge was on medical grounds since the petitioner was found to be suffering from 'Optic Atrophy' and thus, had nil vision in both eyes. The petitioner appears to have challenged the discharge before the Labour Court, which held in his favour by order dated 25.02.2016. The order of the Labour Court was however reversed in a Writ Petition filed by the Corporation in W.P.No.20902 of 2016 by order of this Court dated 25.02.2016. Thus, the entitlement of the petitioner to be re-instated in service with back wages for the period from the date of discharge to the date of superannuation is liable to be decided adverse to him. The mandamus as sought for is thus rejected.

3. The petitioner has been seeking employment for his daughter on compassionate basis and she has been employed by the Tamilnadu State Transport Corporation on daily wages basis from 2003 for a few years. Her claim for regular employment was however rejected in the light of the State-wide ban on recruitments imposed in 2005. On 20.04.2006, the respondents have written to the petitioner that his request for compassionate appointment of his daughter, was under consideration and the same would be considered as and when vacancy arises. Till date, she has not received any positive communication from the Corporation.

4. Let the learned counsel for the respondent ascertain the vacancy position in the respondent Corporation as well as obtain instruction as to whether the daughter of petitioner may be accommodated therein and report to this Court on 17.11.2021. List on 17.11.2021."

2. The matter was thus adjourned to enable the learned counsel for the respondents to obtain written instructions. Learned counsel today states that the name of the petitioner's daughter had been removed from the list of candidates for compassionate appointments in view of the Industrial Dispute initiated by the petitioner before the Labour Court. Written instructions dated 08.11.2011 are placed on record to the effect that as the petitioner had moved I.D.No.112 of 2014 before the Labour Court, Madurai, the respondents had thought it fit to remove the name of the petitioner's daughter from the zone of consideration for



compassionate appointment.

3. Recording the aforesaid, this petition is closed. No costs.

Sd/-

Assistant Registrar (CS II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

CM

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

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NSN (CO)
SB(14.12.2021) 3P 4C