



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 13.12.2021

CORAM:

THE HONOURABLE MR.JUSTICE **B.PUGALENDHI**

W.P(MD)No.20672 of 2021

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S.Palani

... Petitioner

Vs

1.The Managing Director,
Tamil Nadu State Transport Corporation,
(Madurai) Limited,
By-pass road, Madurai 625 016.

2.The FA and CAO,
Tamil Nadu State Transport Corporation,
(Madurai) Limited,
By-pass road, Madurai 625 016.

3. The Senior Deputy Manager, (HRD)
Tamil Nadu State Transport Corporation,
(Madurai) Limited,
By-pass road, Madurai 625 016.

4.The General Manager,
Tamil Nadu State Transport Corporation,
(Madurai) Limited,
Virudhunagar Region,
By-pass Road, Virudhunagar.

5.The Assistant Manager (Admn),
Tamil Nadu State Transport Corporation
(Madurai) Ltd,
Virudhunagar Region,
By-pass Road, Virudhunagar.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of mandamus to direct the respondents for the confirming the service after the completion of 240 days daily wage period on 21.04.2016 instead of 22.07.2016 as per the 12th and 13th wage settlements made on 13.04.2015 and 04.01.2018 with retrospective effect from the date of 240 days daily wages period completion on 21.04.2016 to the date of issuing order dated 07.09.2018 for the payment of difference in salary and further consequently direct the respondents to disburse the difference in salary amount of the above said period, together with interest at that rate of 6% per annum payable as per Court direction from the date for daily wage period completion till the date of actual payment, in one installment to the petitioner as per the representation dated 01.11.2021, within a stipulated time frame as fixed by this Court.



For Petitioner : Mr.K.Gokul
For Respondents : Mr.J.Senthil Kumaraiah

ORDER

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This writ petition has been filed for a mandamus to direct the respondents to confirm the services of the petitioner as on 21.04.2016, as per the wage settlements dated 13.04.2015 and 04.01.2018 with retrospective effect and to disburse all other subsequent benefits.

2.The learned Counsel for the petitioner submits that the petitioner has completed his 240 days of daily wage services as on 22.04.2016 as Reserve Driver in the respondent Corporation and therefore, as per the 12th and 13th wage settlements dated on 13.04.2015 and 04.01.2018, the petitioner's services should have been confirmed as on 22.04.2016. However, the petitioner's services were confirmed only as on 22.07.2016 by order dated 22.04.2019. Therefore, the petitioner is before this Court.

3.Mr.J.Senthil Kumaraiah, learned Counsel, who takes notice for the respondents submitted that the issue has already been addressed by the respondents and a communication was also sent to the petitioner stating that as on 22.04.2016 a criminal case was pending against the petitioner and therefore, the petitioner was imposed with a punishment of stoppage of increment for three months with cumulative effect and therefore, the said period was not taken into account for calculating his services.

4.Admittedly, the petitioner's services were confirmed on 21.07.2016. Though the petitioner claims that he has completed his 240 days of service as on 21.04.2016, it is seen from records that as on 21.04.2016 a criminal case was pending against the petitioner. Therefore, he was imposed with a punishment of stoppage of increments for a period of three months and his services were confirmed on 21.07.2016.

5.In view of the above, this writ petition is dismissed. No costs. If the petitioner is aggrieved by the orders of the respondents on the punishment, it is always open to the petitioner to challenge the same in the manner known to law.

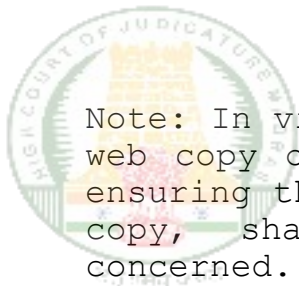
Sd/-

Assistant Registrar (T&P)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)



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.

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RD(31.12.2021) 3P 6C