



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:25.02.2021

CORAM:

THE HONOURABLE **MR.JUSTICE M.DHANDAPANI**

W.P. (MD)No.13491 of 2016

T.Paramasamy

... Petitioner

Vs.

1. The Managing Director,
Tamil Nadu State Transport Corporation (Madurai) Ltd.,
Bye Pass Road, Madurai-625 016.

2. The General Manager,
Tamil Nadu State Transport Corporation (Madurai) Ltd.,
Dindigul Region, Dindigul-4. ... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to revise the pay of the petitioner from the date of reversion on 29.04.2008 and consequently, revise the pension from the date of retirement on 30.04.2016 in terms of the 12(3) settlement dated 30.09.1992 and also based on the judgment of the Judicial Magistrate Court, Periyakulam in CC.No.299/2007 dated 20.10.2015.

For Petitioner : Mr.S.Govindan

For Respondents : Mr.J.Senthil Kumaraiah
Standing Counsel

O R D E R

This writ petition is filed by the petitioner to direct the respondents to revise the pay of the petitioner from the date of reversion on 29.04.2008 and consequently, revise the pension from the date of retirement on 30.04.2016 in terms of the 12(3) settlement dated 30.09.1992 and also based on the judgment of the Judicial Magistrate Court, Periyakulam in CC.No.299/2007, dated 20.10.2015.

2.The case of the petitioner is that he was issued with charge
<https://hcservices.ecourts.gov.in/hcservices/> memo dated 29.04.2008 alleging that he was responsible for the



accident occurred on 02.09.2007 by driving the lorry in a rash and negligent manner. Thereafter, an enquiry was conducted on 05.10.2007 and a proven minute was submitted by the Enquiry Officer stating that the charges levelled against the petitioner was proved. The petitioner was issued with second show cause notice on 18.03.2008, for which, he has submitted his explanation. Without considering the same, the order of reversion was passed on 29.04.2008. In such circumstances, the petitioner was retired from service. After his retirement, the petitioner has received revised pension based on the reversion order. In this regard, the petitioner has made representations dated 22.08.2008, 20.03.2016 and 10.04.2016. However, till date, no order has been passed. Hence, the present writ petition is filed.

3.The learned Standing Counsel appearing for the respondents submitted that the petitioner was reverted from the original post by the respondent/Management on 29.04.2008. But, without challenging the said reversion order, filing the writ petition is not maintainable. Hence, he prays for dismissal of the present Writ Petition.

4.The learned counsel appearing for the petitioner submitted that this Court may grant liberty to the petitioner to file a fresh writ petition challenging the order of reversion.

5.Considering the submissions made on either side, this Court, without expressing any opinion on the merits of the matter, permits the petitioner to file a fresh writ petition challenging the order of reversion passed by the respondent/Management.

6.With the above direction, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (W)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

To

1. The Managing Director,
Tamil Nadu State Transport Corporation (Madurai) Ltd.,
Bye Pass Road, Madurai-625 016.



2. The General Manager,
Tamil Nadu State Transport Corporation (Madurai) Ltd.,
Dindigul Region, Dindigul-4.

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