



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.12.2021

CORAM:

THE HONOURABLE DR JUSTICE ANITA SUMANTH

W.P. (MD) No.18678 of 2018

K.Tamilmaran

... Petitioner

Vs.

1.The Managing Director,
Tamil Nadu Transport Corporation Ltd.,
No.27, New Railway Station Road,
Kumbakonam - 612 001.

2.The General Manager,
Tamil Nadu State Transport Corporation,
Kumbakonam Limited,
Trichy Region,
Periamilaguparai,
Trichy District.

3.The Administrator,
Tamil Nadu State Transport Corporation,
Employee's Pension Fund Trust,
Thiruvallurvar House,
Pallavan Salai, Chennai -2.

... Respondents

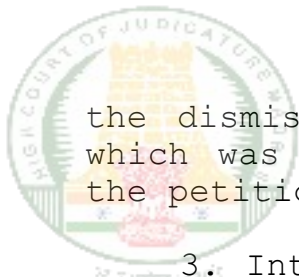
PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of mandamus directing the respondents to re-fix the petitioner salary by taking note of the petitioner's continuity of service as confirmed in W.A.(MD)No.838 of 2014 for the period from 17.01.1998 to 25.04.2013 on the date of the petitioner reinstatement and consequently directing the third respondent to pay pension to the petitioner and all other attended monetary benefits pursuant to the petitioner's representation dated 31.08.2017 and 17.03.2018.

For Petitioner	:	Mr.S.M.Mohan Gandhi
For Respondents	:	Mr.A.Balaji for Mr.D.Sivaraman

O R D E R

The petitioner had joined the Tamilnadu State Transport Corporation, Kumbakonam as a Conductor on 26.12.1986 and had been terminated on 17.01.1998 on the basis of certain charges, details of which I do not propose to refer to, in the light of the relief sought for by the petitioner and granted by this Court.

2. The petitioner challenged the termination in Industrial Dispute in I.D.No.96 of 2000 that came to be dismissed. As against



the dismissal, a writ petition has been filed before this Court, which was allowed, and the first respondent directed to reinstate the petitioner with continuity of service along with 30% back wages.

3. Intra-court writ appeals were filed as against the order of the learned single Judge by both parties. The petitioner's writ appeal was dismissed and the writ appeal filed by the Tamilnadu State Transport Corporation has been partly allowed by setting aside the direction to pay back wages.

4. The petitioner was in correspondence with the Transport Corporation seeking reinstatement thereafter and was finally reinstated on 14.05.2015 superannuating on 20.06.2017. He has been seeking various retiral benefits since then by way of representations dated 31.08.2017 and 17.03.2017, which remain yet indisposed.

5. His prayer is for a mandamus for re-fixation of his salary taking note of the continuity of service and a consequential direction to the respondents to pay pension and all other monetary benefits. Since the same prayer as sought for in this writ petition has been sought before the respondents, it would suffice, and in fact, be appropriate to let the General Manager, Tamil Nadu State Transport Corporation, Kumbakonam Limited/R2, hear the petitioner on his pending representations and pass orders in accordance with Rules and in accordance with law, and in consultation with the Administrator of Tamilnadu State Transport Corporation Employees Pension Fund Trust/R3.

6. A direction is issued as aforesaid. Such exercise shall be completed within a period of eight(8) weeks from today. With this direction, this Writ Petition stands disposed. No costs.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

CM

To,

1.The Managing Director,
Tamil Nadu Transport Corporation Ltd.,
No.27, New Railway Station Road,
Kumbakonam - 612 001.



2.The General Manager,
Tamil Nadu State Transport Corporation,
Kumbakonam Limited,Trichy Region,
Periamilaguparai,Trichy District.

3.The Administrator,
Tamil Nadu State Transport Corporation,
Employee's Pension Fund Trust,
Thiruvallurvar House,
Pallavan Salai, Chennai -2.

+1 CC to M/s.D.SIVARAMAN, Advocate (SR-38821[F] dated 15/12/2021)

W.P. (MD) No.18678 of 2018

14.12.2021

GM(CO)

GC(31.01.2022) 3P 5C