

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.03.2022

Coram

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN
AND
THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

W.A.No.2892 of 2021
and CMP.No.3063 of 2022

The Managing Director,
Tamil Nadu State Transport Corporation (Salem) Limited,
12, Ramakrishnan Road,
Salem-7.

... Appellant/2nd Respondent

Vs

1. P.Chandrasekaran (died)
2. The State of Tamilnadu,
Rep. by the Under Secretary,
Transport (D) Department,
Fort St. George,
Chennai-600 009.
3. The Deputy Secretary to Government,
Transport (D) Department,
Fort St. George,
Chennai- 600 009.

4. Prabakaran
5. Porkodi
6. Nirmala

(R4 to R6 substituted, brought on record
as LR's of the deceased 1st respondent viz.,
(P.Chandrasekaran) vide Court order dated
4.3.2022 made in C.M.P.No.3063 of 2022
in W.A.No.2892 of 2021)

... Respondents

Prayer:Writ Appeal is filed under clause 15 of the Letter Patent
praying to set aside the order dated 21.11.2019 made in
W.P.No.4315 of 2014 passed by this Court.

Prayer in WP No.4315 of 2014 : Writ Petition filed under Article
226 of the Constitution of India praying for issuance of a Writ
of Certiorarified Mandamus calling for the records relating to
the order of the third respondent's order made in Letter

No.14154/D/2009-2 dated 30.06.2010 to quash the same and consequently, direct the respondents to revise and refix the pay of the petitioner as Selection Grade Assistant Manager on the basis of Time Bound Promotion w.e.f., 01.07.1999 as per Government orders in force at the time of retirement and to extend all retiral, pension and pensionary benefits thereto forthwith.

(Prayer in this writ petition was amended vide order dated 20.08.2014 made in M.P.No.2 of 2014)

For Appellant : Mr.A.Sundaravadhanan

For Respondents: Ms.V.Yamuna Devi (R2 and R3)
Special Government Pleader
Mr.L.Chandrakumar (R4 to R6)

JUDGMENT

The present appeal has been preferred against the order of the learned Single Judge made in WP No.4315 of 2014 dated 21.11.2019.

2. During the course of hearing, it was brought to the attention of this Court that similarly placed persons have obtained an order in their favour in W.P.No.30672 of 2007 on 23.11.2011, which culminated into G.O.(D).No.107, Transport (D) Department, dated 05.07.2006 benefiting several persons. Though the order of the learned single Judge was tested before the Division Bench in W.A.Nos.898 and 899 of 2012, which came to be dismissed on 14.06.2012. Again the said order was challenged before the Hon'ble Supreme Court by filing a SLP which was also dismissed.

3. The learned single Judge in the order dated 01.11.2019 has observed as follows in paragraph No.7 of the order, which is extracted below:-

7. A perusal of the compliance letter would show that the judgment of the Hon'ble Division Bench of this Court in W.A.Nos.898 and 899 of 2012, was challenged before the Hon'ble Supreme Court by filing a SLP, which has also been dismissed.

4. These facts have not been disputed by the Appellant herein. That being the case, we are not inclined to take a different view than the one that has already been taken by the learned Single Judge, as the learned Single Judge has rightly followed the Division Bench order in W.A.Nos.898 and 899 of 2012 which was affirmed by the Supreme Court by dismissing the SLP, preferred by the State.

5. Hence, we find no reason to interfere with the order of the learned single Judge. Accordingly the Writ Appeal is dismissed. Since the time granted by the learned Single Judge to the Department has already expired, further period of three months time from the date of receipt of a copy of this order to the Department to extend the benefits of G.O.(D)No.107, Transport (D) Department, dated 05.07.2006 to the Legal Heirs of the Writ petitioner viz., Respondents (R4 to R6). No costs. Consequently connected Miscellaneous Petition is also closed.

Sd/-
Assistant Registrar(CS-V)

//True copy//

Sub Assistant Registrar

arr

To

1. The Secretary,
Transport (D) Department,
Fort St.George,
Chennai - 9.
2. The Deputy Secretary to Government
Transport (D) Department
Fort St.George,
Chennai - 9.
3. The Managing Director,
Tamil Nadu State Transport Corporation (Salem) Limited,
12, Ramakrishnan Road,
Salem-7.

W.A.No.2892 of 2021

PA(CO)
GMY(06/04/2022)