



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.03.2022

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 5873 of 2019
and
W.M.P. No. 5212 of 2020

C. Nagarajan

...Petitioner

-vs-

1. Managing Director,
Tamil Nadu State Transport Corporation,
Pallavan House,
Anna Salai,
Chennai - 600 002.

2. Tamil Nadu State Transport Corporation,
Rep.by its Managing Director,
Kumbakonam Division 1,
Kumbakonam.

...Respondents

Prayer:-Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus, directing the Second Respondent Corporation to dispose the Petitioner's representation dated 09.04.2018 in the facts and circumstances of the case. (Prayer amended vide order dated 10.03.2022 in Memo dated 10.03.2022).

For Petitioner : Mr. R.Venkatesulu

For Respondents: Mr. K.Moorthy (For R1)

Mr. D.Venkatachalam (For R2)

O R D E R

Heard Mr. R.Venkatesulu, Learned Counsel for the Petitioner, Mr. K.Moorthy, Learned Counsel for the First Respondent and Mr. D.Venkatachalam, Learned Counsel for the Second Respondent and perused the materials placed on record, apart from the pleadings of the parties.

2.The Petitioner, who was employed as driver, had been



dismissed from service by the Respondents on 20.12.2003, but the application in A.P. No. 481 of 2003 made by the Respondents under Section 33(2)(b) of the Industrial Disputes Act, 1947 (hereinafter referred to as 'the Act' for short), for approval of termination was rejected by order dated 12.02.2005 passed by the Joint Commissioner of Labour (Conciliation), Chennai. The Writ Petition in W.P. No. 42519 of 2006 filed by the Respondents challenging the same was dismissed by order dated 08.04.2014 and confirmed in appeal in W.A. No. 3968 of 2009 by order dated 19.11.2019 passed by the Division Bench of this Court and the Special Leave Petition filed against the same was dismissed on 09.07.2021 by the Hon'ble Supreme Court of India. In the interregnum, the Petitioner attained the age of superannuation and made a representation dated 28.08.2018 to the Second Respondent to pay all the monetary benefits due to him and this Writ Petition has been filed to direct the Second Respondent to dispose that representation within a time limit that may be fixed by the Court.

3.It has been brought to notice in the Counter-Affidavit dated 24.01.2022 filed by the Second Respondent that after getting approval from the concerned authority, action has been taken to make payment of the following amounts:-

S. No.	Particulars	Amount
1	Balance back wages	Rs. 8,40,171/-
2	Leave Salary	Rs. 7,250/-
3	EEC & PMC	Rs. 2,500/-
4	Gratuity	Rs. 1,76,123/-
5	RBS	Rs. 2,000/-
	Total	Rs. 10,28,044/-

It is further stated that the employer's contribution of provident fund to the extent of Rs. 2,48,997/- for the period during which the Petitioner had not actually worked has also been remitted for sanction of pension to the Petitioner that he would be entitled to the same. That apart, it is informed that monthly pension of Rs. 5,332/- would be paid to the Petitioner and the arrears would be disbursed after completion of pension audit by the concerned authority in that regard. It shall be ensured that payment of the agreed amounts is completed by 31.05.2022 under written acknowledgment and monthly pension from March 2022 is paid on the due dates. Having due regard to the aforesaid action taken by the Respondents on the said



representation made by the Petitioner, nothing remains for further consideration in this Writ Petition. As it is contended by Learned Counsel for the Petitioner that higher amounts and certain other benefits remain to be paid by the Respondents, it is made clear that the Petitioner is not precluded from working out his rights before the proper forum in the manner recognized by law in that regard.

In fine, the Writ Petition is disposed with the aforesaid observations. Consequently, the connected Miscellaneous Petition is closed. No costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

1. Managing Director,
Tamil Nadu State Transport Corporation,
Pallavan House,
Anna Salai,
Chennai - 600 002.

2. The Managing Director,
Tamil Nadu State Transport Corporation,
Kumbakonam Division 1,
Kumbakonam.

+1cc to M/s.Usha Ramman, Advocate, S.R.No.16567

+1cc to Mr.K.Moorthy, Advocate, S.R.No.16432

+1cc to Mr.D.Venkatachalam, Advocate, S.R.No.16421

W.P. No. 5873 of 2019

SVI (CO)
RGA(05/04/2022)