



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.01.2022

CORAM

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.No.3 of 2016

K.Krishnan

...Petitioner

-Vs-

Tamilnadu State Transport Corporation
(Villupuram) Ltd.,
Vellore Region
Rep.by its General Manager
Rangapuram, Vellore - 9.

...Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus directing the respondent to reinstate the petitioner forthwith with continuity of service, back wages and all other attendant benefits, as per the order dated 02.05.2005 passed in A.P.No.149/2003 and as confirmed by this Court by an order dated 04.06.2014 in W.P.No.32966 of 2006 together with interest, award costs.

For Petitioner : Mr.R.Krishnaswamy

For Respondent : Mr.G.Saravanakumar

ORDER

The approval petition filed by the respondent as against the order of dismissal dated 23.05.2003 under Section 33(2)(b) of Industrial Dispute Act came to be rejected by the Authority, which was upheld by the orders of the Hon'ble Supreme Court. The petitioner now seeks for reinstatement, along with the service and monetary benefits.

2 Today, when the matter was called, the learned counsel appearing for the respondent submitted that pending the writ petition, the petitioner was reinstated back into the service through orders dated 02.01.2019 w.e.f. 24.12.2018. Insofar as the back wages are concerned, the learned counsel submitted that a sum of Rs.5.00 lakhs has been paid towards part payment of the



outstanding dues between 23.05.2003 to 24.12.2018 and seeks for further time to settle the balance of the back wages.

3 In consideration of the request made by the respondent, there shall be a direction to the respondent to forthwith disburse the entire outstanding back wages within a period of four weeks from the date of receipt of a copy of this order after adjusting the amount already paid. In case, the respondent fail to disburse the balance of the back wages before the expiry of the four weeks, they will be liable to pay interest on the remaining outstanding amount at the rate of 6% p.a. commencing from the date of dismissal i.e. 23.05.2003.

4 At this juncture, the learned counsel appearing for the petitioner would submit that if the total outstanding amount is spread over the entire period of non-employment, his liability to pay income tax would be reduced. In this connection, the petitioner is granted liberty to make a request by way of representation to the respondent and on receipt of such representation, the respondent shall consider the same favourably.

5 With the above directions, the Writ Petition stands allowed. No costs.

Sd/-
Assistant Registrar(CS-VII)

//True Copy//

Sub Assistant Registrar

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To

The General Manager,
The Tamilnadu State Transport Corporation
(Villupuram) Ltd., Vellore Region ,
Rangapuram, Vellore - 9.

+1cc to Mr.V.Ajoy Khose, Advocate, S.R.No.4363

+1cc to Mr.G.Saravana Kumar, Advocate, S.R.No.3946 [26/04/2022]

W.P.No.3 of 2016

PMK(CO)
SU(08/02/2022)