



W.P.No.30569 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.12.2022

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.No.30569 of 2018

A.Anandan

...Petitioner

-Vs-

1.The Managing Director,
Tamilnadu State Transport
Corporation (Coimbatore) Limited,
37, Mettupalayam Road,
Coimbatore - 43.

2.The Deputy Manager (Personnel),
Service Book,
Tamilnadu State Transport
Corporation (Coimbatore) Limited,
Erode Region, Chennimalai Road,
Erode - 1.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, to direct the respondents to implement the order of the 1st respondent in Pa.No.1/D8/117/Legal/Kovai/Erode Region/1990 dated 22.10.2015 and to direct the respondents to give monetary effect by revising the pay scale of the petitioner as per the aforesaid order and to direct the respondents to pay the arrears of wages, pension and differential



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sum of other terminal benefits arising in the implementation of the aforesaid order.

For Petitioner : Mr.P.Paramasiva Doss

For Respondents : Mr.M.Murali Vinodh

ORDER

Heard Mr.P.Paramasiva Doss, learned counsel for the petitioner and Mr.M.Murali Vinodh, learned counsel for the respondents.

2. On the strength of certain proven charges against the petitioner herein, the General Manager of the respondent Corporation had imposed a punishment of postponement of increment cut "with" cumulative effect for a period of one year, through his order dated 28.11.1990. As against the order of punishment, the petitioner had preferred an appeal before the first respondent on 05.08.2015. On consideration of the grounds of appeal, the first respondent, through his proceedings dated 22.10.2015, had modified the original punishment into one of postponement of increment for a period of one year "without" cumulative effect and without monetary benefits.



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3. The case of the petitioner is that the modified punishment passed by the appellate authority was not entered into his service records and therefore, his pensionary benefits requires to be revised. The petitioner had thereafter retired from service on 31.05.2016.

4. The learned counsel appearing for the respondent submitted that since the monetary benefits have been withheld in the first respondent's order-in-appeal, the petitioner would not be entitled for the arrears of salary.

5. When the petitioner had not challenged the appeal order passed by the first respondent on 22.10.2015, insofar as it fixes the monetary benefits, the stand taken by the respondents that the petitioner would not be entitled for the arrears of pay from the date of punishment till 22.10.2015, may be correct. However, the petitioner would be entitled for the revised pay from 22.10.2015 till 31.05.2016, on which date he had superannuated.

6. The respondents have not disputed the fact that the modified punishment was not given effect to, while the petitioner's pension was fixed.



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While that being so, the petitioner would be entitled for the revised scale of pay from 22.10.2015 onwards till the date of his superannuation and the consequential pensionary benefits also requires to be revised.

7. In the light of the above findings, there shall be a direction to the first respondent herein to pass appropriate orders, revising the pay scale of the petitioner from 22.10.2015 to 31.05.2016, which is his date of superannuation, and accordingly disburse the arrears of wages and pension and any other terminal benefits, within a period of six (6) weeks from the date of receipt of a copy of this order. Accordingly, the writ petition stands allowed. No costs.

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Index: Yes/No
Internet: Yes/No
Speaking order/Non-speaking order
hvk



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WEB COPY To

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M.S.RAMESH,J.

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