



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE PARESH UPADHYAY

and

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

WEB COPY

W.A(MD)No.392 of 2022
C.M.P.(MD) No. 3975 of 2022

1.The Tamil Nadu State Transport
Corporation (Madurai) Limited,
Rep. by its Managing Director,
Madurai Region, Bye-Pass Road,
Madurai.

2.The General Manager,
The Tamil Nadu State Transport
Corporation (Madurai) Limited,
Madurai Region, Bye - Pass Road,
Madurai.

.. Appellants

Vs

S.Shanmugam

.. Respondent

Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 29.04.2021 made in W.P.(MD) no. 7794 of 2021.

Prayer in WP(MD) . 7794/ 2021 :

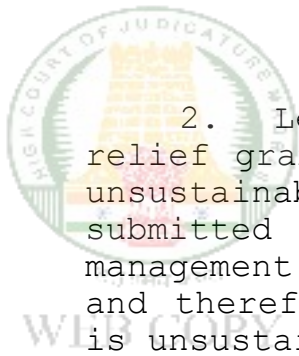
Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the 1st respondent to sanction the petitioner salary for a period of 33 months with reasonable rate of interest and retirement benefits more particularly monthly pension payable to the petitioner from the date of the petitioners superannuation based on the petitioners representation dt 13.01.2021 within a time frame as may be fixed by this Honble Court and pass such further or other orders as this Honble Court may deem fit and proper in the nature and circumstances of the case and thus render justice.

For Appellant : Mr.J.Senthil Kumaraiah

JUDGMENT

[Delivered by PARESH UPADHYAY, J.]

1. Challenge in this appeal is made to the order dated 29.04.2021 recorded on W.P.(MD) No. 7794 of 2021. This appeal is by the respondent management.



2. Learned advocate for the appellant has submitted that, the relief granted by learned Single Judge in the facts of the case is unsustainable and therefore indulgence be shown. It is further submitted that, no fault could be attributed to the appellant management for late implementation of the award of the Labour Court and therefore the benefit, more particularly of retirement benefit is unsustainable. It is submitted that this appeal be entertained.

3. Holding the brief - while making above submissions, learned advocate for the appellant - as an officer of the Court has in all fairness drawn the the attention of this Court to the decision of the Division Bench of this Court in the case of *Management of TNSTC v. The Special Deputy Commissioner*, reported in (2022) 2-LLJ-112.

4. Having heard learned advocate for the appellant and having considered the material on record this Court finds that, the reinstatement of the workman has already attained finality and that was not the subject matter of the writ petition being W.P.(MD) No.7794 of 2021. It is the workman, who had approached this Court with the grievance that, though the award of the Labour Court had attained finality the period taken by the management in implementing the reinstatement twice, reference to which made in para 2 of the order under challenge, could not have operated against the workman. This contention of the workman is rightly accepted by learned Single Judge and consequential relief is granted. We find that, the order of learned Single Judge in no away can be said to be erroneous and therefore no interference is required.

5. Additionally, the relief granted by learned Single Judge would also be on the line of the view expressed by the Division Bench in the case noted above. In totality we find that this appeal needs to be dismissed.

6. For the above reasons, this appeal is dismissed. No costs. Consequently, connected miscellaneous petition would not survive.

Sd/-

Assistant Registrar (RTI)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

sj

To

1.The Managing Director,
Tamil Nadu State Transport
Corporation (Madurai) Limited,
Madurai Region, Bye-Pass Road,

<https://hcservices.ecourts.gov.in/hcservices/>



2.The General Manager,
The Tamil Nadu State Transport
Corporation (Madurai) Limited,
Madurai Region, Bye - Pass Road,
Madurai.

W.A (MD) No.392 of 2022
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MGJ(17.05.2022) 3P 3C