



W.P.(MD)No.4151 of 2020

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:07.12.2022

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.4151 of 2020

and

W.M.P(MD)Nos.4669 and 4671 of 2020

S.Shanmugaiah

... Petitioner

Vs.

1.The Managing Director,
Tamilnadu State Road Transport Corporation Ltd.,
Tirunelveli Region,
Tirunelveli.

2.The General Manager,
Tamilnadu State Road Transport Corporation Ltd.,
Tirunelveli Region,
Tirunelveli.

... Respondents

Prayer:Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to pay the arrears of salary to the petitioner by considering his date of regularization in service as 01.12.2013 in the post of Conductor on the basis of the petitioner's representation dated 11.01.2020 within the time stipulated by this Court.

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For Petitioner : Mr.V.Selva
For Respondents : Mr.D.Jebaraj,
Standing Counsel

ORDER

This writ petition has been filed for a direction to the respondents to pay the arrears of salary to the petitioner by considering his date of regularization in service as 01.12.2013 in the post of Conductor on the basis of the petitioner's representation, dated 11.01.2020, within a stipulated time.

2. The case of the petitioner is that he entered into service as Conductor in the respondent Corporation in the year 2011. However, after completion of mandatory period, the petitioner's service was not regularized on the ground that there was a matrimonial dispute pending between the petitioner and his wife. Subsequently, the case against the petitioner ended in acquittal in favour of the petitioner. Subsequently, the second respondent issued proceedings in No.AAn/12658/Ni



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A2/TNSTC/Tvl 3 / 2018 dated 24.07.2018 stating that the petitioner will get time scale of pay of conductor with effect from 21.03.2018 and not from 01.12.2013 since the regularization of the petitioner's service after 240 days of service ie., from 01.12.2013, cannot be taken into consideration for payment of time scale of pay due to the pendency of the criminal case. The grievance of the petitioner is that from 01.12.2013 to 24.07.2018, he was paid only the daily wages. Hence, the petitioner made a representation to the respondents, on 11.01.2020, requesting to disburse the monetary benefits due to the petitioner. But, till date no order was passed. Therefore, the petitioner has filed the present writ petition with the aforesaid prayer.

3. The learned counsel appearing for the petitioner would submit that it would suffice, if the second respondent is directed to disburse the eligible monetary benefits to the petitioner by considering the petitioner's representation dated, 11.01.2020 and pass appropriate orders, on merits and in accordance with law, within a specified period.



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4. The learned standing counsel appearing for the respondents, has no serious objection for such an order being passed by this Court.

5. Considering the limited request made by the learned counsel for the petitioner, this Court, without going into the merits of the matter, directs the second respondent to consider the petitioner's representation, dated 11.01.2020 and pass appropriate orders, on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.

6. With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

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pm

Index: Yes/No

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M.DHANDAPANI,J.

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