



W.P.(MD)No.14220 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.07.2022

CORAM:

THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN

W.P.(MD)No.14220 of 2022
and
W.M.P.(MD).No.10164 of 2002

P.Ramar

... Petitioner

vs.

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

2.The General Manager,
Tamil Nadu State Transport Corporation,
Karaikudi Branch,
Karaikudi,
Sivagangai District.

3.The Deputy Manager,
Tamil Nadu State Transport Corporation,
Kumbakonam Division,
Kumbakonam,
Thanjavur District.

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to consider the petitioner's representation, dated 10.03.2022, sent by the petitioner to the respondents and to disburse the entire service benefits, assets and fix the pay of the petitioner at Rs.55,000/- on par with his colleagues and fix the pension within a reasonable time.

For Petitioner : Mr.R.Ganesan

For Respondents : Mr.K.Jagadees Balan

Standing counsel

ORDER

This writ petition has been filed for issuance of a Writ of Mandamus, directing the respondents to consider the petitioner's representation, dated 10.03.2022 and to disburse the entire service benefits, assets and fix the pay of the petitioner at Rs.55,000/- on par with his colleagues and fix the pension within a reasonable time.

2. The learned counsel for the petitioner submitted that the petitioner was working as Conductor since 1981 and absorbed as permanent employee in 1985.



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He was elevated as Senior Conductor in 1993 with increment in the pay scale with effect from 01.09.1992. During 2008, he suffered cancer and underwent operation. Thereafter, he suffered heart attack and undergone by-pass surgery. The respondent Corporation issued proceedings for giving alternative employment to the petitioner and that was considered as per the orders of this Court in M.P. (MD).No.2 of 2013 in W.P.(MD).No.16589 of 2013. However, the arrears of salary and revision of pay with periodical pay increment were not considered. He sent a representation dated 05.01.2018 to the respondents to revise his pay from 2008 onwards and fix his pay at Rs.55,000/- per month, on par with his colleagues and for other monetary benefits. This Court in W.P.(MD).No.16589 of 2013, directed the petitioner to submit a fresh representation to the second respondent with regard to revision of pay. The petitioner submitted a fresh representation on 24.03.2018. The respondents deducted a sum of Rs.4,510/- from his monthly salary. Therefore, he filed W.P.(MD).No.3669 of 2018. This Court, by order dated 01.03.2018, held that the deduction is illegal and ordered to refund. On 14.03.2018, the 3rd respondent sent a communication about the punishment of stoppage of increment with cumulative effect for 36 months and stoppage of increment without cumulative effect. Another communication dated 23.03.2018



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was sent by the third respondent for a sum of Rs.12,000/- due and payable by the petitioner. Apart from the deduction of Rs.40,590/-, despite the representation dated 28.03.2018, the petitioner was paid only Rs.27,000/- which is 50% of the actual salary. He filed the Contempt Petition in Cont.P.(MD).No.1232 of 2018 for refund of recovery of Rs.4,510/- made from his salary from November 2017. This Court closed the Contempt Petition giving liberty to revive the contempt petition and challenge the impugned order. After completing 33 years of service, the petitioner was permitted to retire from service on 31.07.2018. The petitioner is entitled for Rs.10,00,000/- as retirement benefits, Rs.1,00,000/- as leave salary, Rs.10,83,008/- as pension contributory fund, totally a sum of Rs.21,83,008/-. He gave a representation in this regard on 10.03.2022. No order is passed in this representation. Hence, this writ petition.

3. Mr.K.Jagadeesh Balan, learned Standing counsel takes notice for the respondents. It is submitted that the petitioner has several misconducts and imposed punishments. During his service, he was absent for 2895 days, he has been imposed with stage reduction for five years, increment cut with cumulative effect for ten years and nine months and increment cut without cumulative effect



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was imposed for two years and nine months and he is not entitled for the claim made by the petitioner.

4. However, considering the limited scope of the enquiry and prayer, this Court directs the respondents to consider the petitioner's representation, dated 10.03.2022 and pass appropriate orders, as per Rules.

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

06.07.2022

Index : Yes / No

Internet : Yes / No

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To

1.The Managing Director,
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G.CHANDRASEKHARAN, J.

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Order made in
W.P.(MD)No.14220 of 2022

Dated:
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