



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **28.01.2022**

CORAM:

THE HONOURABLE **DR. JUSTICE ANITA SUMANTH**

W.P. (MD) Nos. 5547 & 6106 of 2018

WEB COPY

R. Alagarsamy ... Petitioner in W.P. (MD) No. 5547 of 2018
A. Krishnamani ... Petitioner in W.P. (MD) No. 6106 of 2018

/Vs./

1. State Express Transport Corporation Limited,
Represented by its Managing Director,
Thiruvalluvar Illam,
Pallavan Salai, Chennai - 600 002.

2. The Administrator,
Tamil Nadu State Transport Corporation
Employees Pension Fund Trust,
Thiruvalluvar Illam,
Pallavan Salai, Chennai - 600 002.

... Respondents in both WPs

PRAYER in W.P. (MD) No. 5547 of 2018:- Writ Petition - filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Mandamus directing the respondents to promote the petitioner as Junior Engineer - instead of appointment as Junior Engineer - Notionally with continuity of service on par with the co-employees who were promoted as Junior Engineer with continuity of service and also directing the respondents to pay the salary arrears from the date of his promotion as Junior Engineer i.e. 11.07.1987 to 28.02.2014 i.e. his date of retirement and to pay difference in terminal benefits such as Gratuity, Commuted value of pension, Unavailed leave salary and also to pay the revised pension with arrears from 01.03.2014 to till the date of payment together with 18% interest and all other attendant benefits to him within the stipulated period.

PRAYER in W.P. (MD) No. 6106 of 2018:- Writ Petition - filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Mandamus directing the respondents to promote the petitioner as Junior Engineer Notionally with continuity of service on par with the co-employees who were promoted as Junior Engineer with continuity of service and also directing the respondents to pay the salary arrears from the date of his promotion as Junior Engineer i.e. 01/05/1989 and to pay the revised pension with arrears and also to pay difference in terminal benefits such as Gratuity, Commuted value of pension and Unavailed leave salary together with 18%



interest and all other attendant benefits to him within the stipulated period.

For Petitioners : Mr.S.Govindan (in both WPs)
for Mr.A.Rahul
For R1 : Mr.K.Sathya Singh (in both WPs)
Standing Counsel
For R2 : No appearance

COMMON ORDER

Heard Mr.S.Govindan, learned counsel for the petitioners, Mr.K.Sathya Singh, learned standing counsel for the State Express Transport Corporation Limited.

2.The petitioners seek mandamus directing the respondents to promote them as Junior Engineers (notionally) with continuity of service on par with their co-employees and for arrears of salary and other terminal benefits.

3.The petitioner in WP(MD)No.5547 of 2018 and the petitioner in WP(MD)No.6106 of 2018 have superannuated from service on 28.02.2014 and 20.09.2014 respectively. They have filed several representations seeking the identical relief as canvassed before this Court.

4.Thus, in view of the position that there are factual aspects of the matter to be looked into the prayer to decide the veracity or otherwise of the petitioners' claim for relief, it would be appropriate that the respondents to dispose the representations.

5.I thus direct R1 to dispose the representations of the petitioners dated 16.10.2016 and 20.02.2018 (in WP(MD)No.5547 of 2018) & 20.05.2016 & 10.03.2018 (in WP(MD)No.6106 of 2018), after hearing the petitioners and considering all relevant materials including case law within a period of eight weeks from today.

6.These writ petitions are disposed as above. No costs.

Sd/-

Assistant Registrar(CS-I)

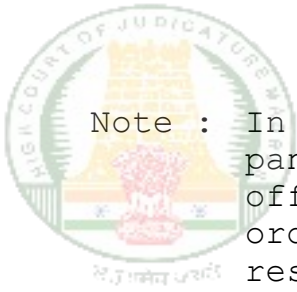
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/ /2022

Sub Assistant Registrar(CS)

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Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

WEB COPY

To

1.The Managing Director,
State Express Transport Corporation Limited,
Thiruvalluvar Illam,
Pallavan Salai, Chennai - 600 002.

2.The Administrator,
Tamil Nadu State Transport Corporation
Employees Pension Fund Trust,
Thiruvalluvar Illam,
Pallavan Salai, Chennai - 600 002.

+2 CC to M/s.K.SATHIYA SINGH, Advocate (SR-2851 & 2852[F] dated 28/01/2022)

+2 CC to M/s.A.K.THANGAVELU, Advocate (SR-3075 & 3076[F] dated 31/01/2022)

Common Order made in
W.P. (MD) Nos. 5547 & 6106 of 2018
Dated: 28.01.2022

ark(CO)
TR(09.02.2022) 3P 7C