



**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 27.04.2022**

**CORAM**

**THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM**

W.P. (MD) No.25733 of 2019

V.E.Subbiah

... Petitioner

-vs-

The Managing Director,  
Tamilnadu State Transport Corporation  
(Kumbakonam) Ltd.,  
Thanjavur District.

... Respondents

Prayer:- Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus directing the respondent to settle the benefits available to the petitioner such as Provident Fund contribution both employee and employer share of contribution, Gratuity and IRT contribution for the service rendered as a permanent employee for the period from 1988 to 11.08.1997 for 9 years along with 18% interest on Belated payment from 11.08.1997.

For Petitioner : Mr.S.Govindan

For Respondents : Mr.P.Balasubramanian

O R D E R

The relief sought for in the present writ petition is to direct the respondent to settle the benefits available to the petitioner such as Provident Fund contribution both employee and employer share of contribution, Gratuity and IRT contribution for the service rendered as a permanent employee for the period from 1988 to 11.08.1997 for 9 years along with 18% interest on belated payment from 11.08.1997.

2. The petitioner states that he was appointed as Junior Tradesman during the year 1988 and made a permanent employee on 26.03.1991. Admittedly, the petitioner was dismissed from service on 11.08.1997 for the proved allegation of unauthorized absence.

3. The learned counsel for the respondent made a submission that without prior permission, the petitioner has gone to abroad and



remained unauthorisedly absent and therefore, he was dismissed from service after conducting enquiry. The petitioner raised an industrial dispute in I.D.No.55 of 2008 before the Labour Court, Tiruchirappalli. The industrial dispute was also dismissed by the Labour Court on 29.01.2013. Thereafter, the petitioner states that he submitted a representation for settlement of benefits and the respondent has not settled the same.

4. The learned counsel appearing for the respondent made a submission that the petitioner is a dismissed employee and whatever benefits as eligible in accordance with the rules are to be settled provided the petitioner submits an application along with all relevant documents and informations enabling the authorities to consider the same. However, the petitioner is not entitled for all regular benefits applicable to the retired employees, in view of the fact that the petitioner was dismissed from service.

5. In view of the above submission, the petitioner is at liberty to submit fresh application within a period of two weeks from the date of receipt of a copy of this order along with all relevant records, documents and service particulars to the respondent enabling the authorities to consider the same and in the event of receiving any such application, the respondent is directed to verify the service particulars of the petitioner and settle the eligible amounts as applicable to a dismissed employee as expeditiously as possible.

6. With the above directions, this Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar (CS I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

abr

To  
The Managing Director,  
Tamilnadu State Transport Corporation  
(Kumbakonam) Ltd.,  
Thanjavur District.

+1 CC to M/s.P. BALASUBRAMANIAN, Advocate ( SR-21770[F] dated 27/04/2022 )

+1 CC to M/s.S. GOVINDAN, Advocate ( SR-21928[F] dated 28/04/2022 )

W.P.(MD) No.25733 of 2019

27.04.2022

MGJ(25.05.2022) 2P 4C

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