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W.P.(MD)NO.27155 OF 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.12.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.27155 of 2022

C.Ramamoorthy

... Petitioner

Vs.

1. The Principal Secretary to Government,
State Transport Department,
Secretariat, Chennai – 9.
2. The Commissioner of State Transport,
Ezilagam Building,
Chepauk, Chennai – 5.
3. The Managing Director,
Tamil Nadu State Transport Corporation,
Bye-Pass Road, Madurai,
Madurai District.
4. The General Manager,
Tamil Nadu State Transport Corporation,
Bye-Pass Road, Dindigul,
Dindigul District.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents to consider the petitioner's representation dated 25.07.2022 to modify the punishment of removal from service and extend the benefit of compulsory retirement in the light of the letter of the 1st respondent in letter



No.5370/C2/2021 dated 24.07.2021 for the purpose of pensionary benefits, within a period that may be stipulated by this Court.

For Petitioner : Mr.K.Ponnaiah

For R-1 & R-2 : Mr.R.Suresh Kumar,
Additional Government Pleader.

For R-3 & R-4 : Mr.S.Sivabalaji,
Standing Counsel.

* * *

ORDER

Heard the learned counsel on either side.

2. The petitioner is an ex-service man. He is aged about 80 years. After discharge from the Army, he joined TVS Southern Roadways. When the said company was nationalised, the petitioner became a Government employee. Subsequently, the State Transport Corporations were created and the petitioner became an employee of TNSSTC. It is stated that he was removed from service on 15.10.1993 for unauthorised absence. The petitioner has given a representation for converting the same into one of compulsory retirement. The



petitioner has given the representation dated 25.07.2022 in this regard.

3. It is open to the first respondent to take a call in the matter. I refrain from giving any direction because the petitioner's claim is hopelessly stale. The petitioner had raised industrial dispute in the year 2005. Conciliation talks took place before the Assistant Commissioner of Labour, Dindigul. The management in its response informed the Conciliation authority that the petitioner was removed from service on 15.10.1993 and that the petitioner's accounts were settled in the year 2001 itself. The petitioner could have raised an industrial dispute at least in the year 2006. He has not done so. He has chosen to wait for 16 more years and thereafter filed W.P.(MD)No.7165 of 2021, seeking pension in respect of the service that he rendered in the Transport Company by the Government of Tamil Nadu. The said writ petition was disposed of on 21.07.2022 with certain directions. The petitioner now seeks similar direction in respect of the service rendered in the Transport Corporation.



4. It is open to the third respondent to take a call in the matter. I refrain from giving any direction. This writ petition stands disposed of accordingly. No costs.

01.12.2022

Index : Yes / No
Internet : Yes/ No

PMU

To:

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G.R.SWAMINATHAN,J.

PMU

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