



W.P.(MD)No.27578 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED:06.12.2022

CORAM:

THE HONOURABLE **MR.JUSTICE M.DHANDAPANI**

W.P.(MD)No.27578 of 2022

R.Muthukrishnan

... Petitioner

Vs.

The Managing Director,
Tamil Nadu State Transport Corporation,
Tirunelveli Limited,
Tirunelveli.

... Respondent

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondent to consider the period from 14.07.1992 and 09.04.1997 as period of service, with continuity in service and to include the said period for the purpose of computation of pension, gratuity and retirement benefits by considering the representation of the petitioner, dated 03.05.2022 and for consequential orders.

For Petitioner : Mr.K.R.Laxman

For Respondent : Mr.D.Jebaraj

ORDER

This writ petition has been filed for a direction to the respondent to consider the period from 14.07.1992 and 09.04.1997 as period of service, with continuity in service and to include the said period for the purpose of



W.P.(MD)No.27578 of 2022

computation of pension, gratuity and retirement benefits by considering the representation of the petitioner, dated 03.05.2022.

2. The case of the petitioner is that he was appointed as a Conductor in the respondent Corporation in the year 1980. In the year 1992, he was transferred to Thoothukudi. Challenging the said transfer order, he filed a suit in O.S.No.273 of 1992 before the District Munsif Court, Tirunelveli and the same was decreed in favour of the petitioner. Subsequently, from 14.07.1992 till 09.04.1997, the petitioner was not granted with any duty. Later, departmental proceedings was initiated for unauthorized absent for the aforesaid period. Domestic enquiry was conducted and thereafter, punishment of stoppage of increment for a period of one year was also imposed. Challenging the same, the petitioner filed I.D.No.94 of 2004 on the file of the Labour Court, Tirunelveli. The Labour Court had set aside the order of punishment, however, confirmed the order of loss of pay for a period of five years. In such circumstances, the petitioner got superannuated on 31.12.2012. Subsequently, the petitioner made a representation before the respondent on 03.05.2022 requesting to consider the period from 14.07.1992 to 09.04.1997 as period of service. But, till date no order was passed. Therefore, the petitioner has filed the present writ petition with the aforesaid prayer.



W.P.(MD)No.27578 of 2022

3. The learned counsel appearing for the petitioner would submit that it would suffice, if liberty is granted to the petitioner to work out his remedy in the manner known to law with regard to the denial of continuity of service in I.D.No.94 of 2004 on the file of the Labour Court, Tirunelveli, dated 30.11.2007.

4. Recording the same, this writ petition is dismissed with liberty to the petitioner to work out his remedy in the manner known to law, with regard to the denial of continuity of service in I.D.No.94 of 2004 on the file of the Labour Court, Tirunelveli, dated 30.11.2007. No Costs.

06.12.2022

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W.P.(MD)No.27578 of 2022

M.DHANDAPANI,J.

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W.P.(MD)No.27578 of 2022

06.12.2022