



W.P.No.8088 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.12.2023

CORAM

THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.8088 of 2019

P.Manoharan

... Petitioner

Vs.

1.The General Manager,
Tamil Nadu State Transport Corporation Villupuram Limited,
Villupuram Division,
Villupuram District.

2.The Branch Manager,
Tamil Nadu State Transport Corporation Villupuram Limited,
Villupuram Division,
Villupuram District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records of proceedings of the 1st respondent in order dated 28.05.2020 and quash the same and consequently, direct the respondents to treat petitioner duty period from the date of appointment including LLP days with all benefits give promotion, salary revision etc., as contained in petitioner mercy petition dated 23.12.2019.



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(Prayer amended vide order dated 27/01/2023 made in W.M.P.No.25151 of 2022 in W.P.No.8088 of 2019 by MSRJ)

For Petitioner : Mrs.M.Sneha
for Mr.T.Thiyagarajan

For Respondents : Mr.M.Ashwin
Additional Government Pleader

ORDER

This petition has been filed to quash the order of the 1st respondent in order dated 28.05.2020 and consequently, direct the respondents to treat the duty period from the date of appointment including LLP days with all benefits give promotion, salary revision etc., as contained in the Mercy Petition dated 23.12.2019 of the petitioner.

2.It is the case of the petitioner that he is working as Conductor in TNSTC, Villupuram, from 29.01.1990. Due to political revenge, no increment was granted to the petitioner from 2013 onwards. From the year 2012, the respondents deliberately refused to give duty to the petitioner. . The respondents deliberately denied duty without giving any charge memo



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and treated the dates as leave on loss of pay. From 2013 onwards, the petitioner is working as Senior Grade Conductor and he is drawing only a minimum salary of Rs.24,000/- per month comparing with his junior Mr.Perumal, who is drawing a monthly salary of Rs.53,550/-. Therefore, the petitioner made a representation to the respondents on 30.03.2014 to treat his duty period from the date of appointment including LLP days and give promotion, salary revision, etc. But, the respondents did not consider the representation of the petitioner till date.

3.The respondents filed their counter stating that the petitioner joined as Conductor on daily wages on 29.01.1990 and absorbed to monthly cadre after competition of 240 days of actual duty on 01.12.1990. Thereafter, he was upgraded as Senior Conductor with effect from 01.08.1996 in accordance with the Rule 61 of the Common Service Rules. Further, the respondent sanctioned leave subject to the eligibility and availability in his leave credit to the petitioner whenever applied. If the petitioner is not having adequate leave stock in his leave account, the period marked as



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leave on loss of pay. If the petitioner absented duty without prior permission they have been marked as absent and the said periods are not taken for length of service and deducted as non qualifying service for increment, review, etc., The period of punishment of increment cut with cumulative effect and the eriod of pay reduction are also treated as non qualifying service, while calculating length of service for increments and review, in accordance of the service rules of the Corporation. Further, if he has no leave in his credit and eligible for sanctioning he was marked as leave with pay, but no stock in the credit he will be treated as LLP. Therefore, the claim for treating the LLPs as qualifying service for increment is against the Law and contrivance to the Common Service Rules of the Corporation.

4.The learned counsel for the petitioner restricted his prayer that it is sufficient to consider a fresh representation to be made by the petitioner regarding the amount paid by the Corporation subject to any deduction, if any, in view of the other proceedings pending against the petitioner.



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5.The petitioner retired from service in the year 2019. Without any monetary benefits, the petitioner and his family members are now suffering. The petitioner has not granted any monetary benefits till date. Therefore, this Court is of the view that the petitioner shall be given retirement benefits which he is entitled to. Hence, petitioner is directed to send a fresh representation to the respondents within a period of two weeks from the date of receipt of a copy of this order and the respondents are directed to consider the same within a period of four weeks.

Accordingly, this Writ Petition is disposed of. No costs.

21.12.2023

Index : Yes/No
Speaking order: Yes/No
Neutral citation: Yes/No
mps



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To

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Villupuram Division,
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2.The Branch Manager,
Tamil Nadu State Transport Corporation Villupuram Limited,
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V.BHAVANI SUBBAROYAN, J,

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