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W.P.No.23322 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.08.2023

CORAM :

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

W.P.No.23322 of 2023

S.Kumaraguru

... Petitioner

Vs.

1.State of Tamil Nadu,

Represented by its Additional Chief Secretary to Government,
Transport Department, Secretariat,
Chennai – 600 009.

2.M/s.Tamil Nadu State Transport Corporation,

(Kumbakonam) Limited,
Represented by its Managing Director,
No.27, New Railway Station Road,
Kumbakonam – 612 001.

3.M/s.Tamil Nadu State Transport Corporation,

(Kumbakonam) Limited,
Represented by its General Manager,
No.140, Public Office Road,
Velipalayam, Nagapattinam – 611 001.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus to direct the 2nd and 3rd respondents herein to sanction (a) Annual increment from 01.11.2002 to November 2022, (b) Review Benefits during 2005, 2012 and 2017 as per the settlement arrived under Section 12(3) of the Industrial Disputes Act,



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1947, (c) Weightage benefits from 2005 and 2015 and (d) the period of suspension from 02.10.2004 to 02.07.2006 to be regularized and subsistence allowance to be paid for this period and pay the consequential benefits with 6% interest to the petitioner herein by considering the representation of the petitioner dated 11.07.2023.

For Petitioner : Mr.D.Soundar Raj

For R1 : Mr.S.Rajesh
Government Advocate

ORDER

This writ petition has been filed to direct the 2nd and 3rd respondents herein to sanction annual increment from 01.11.2002 to November 2022, review benefits during 2005, 2012 and 2017 as per the settlement arrived under Section 12(3) of the Industrial Disputes Act, 1947, weightage benefits from 2005 and 2015 and regularisation of the period of suspension from 02.10.2004 to 02.07.2006 and subsistence allowance for that period and also to pay the consequential benefits with 6% interest to the petitioner, by considering the representation of the petitioner dated 11.07.2023.



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2.It is the case of the petitioner that, based on a criminal case lodged in the year 2003, disciplinary proceedings were initiated against the petitioner. Enquiry was conducted on 31.07.2003, however, no final orders were passed. In the meantime, the petitioner was placed under suspension. Therefore, the petitioner approached this Court and pursuant to orders of this Court in W.A.No.1712 of 2022, dated 28.07.2022, the Disciplinary Authority passed final orders dated 26.08.2002 in the disciplinary proceedings by imposing a punishment of three stage reduction for three years with cumulative effect and the same was implemented on 01.09.2022. Challenging the same, an Appeal was also preferred by the petitioner, however, the same was not considered. The petitioner has also challenged the punishment order dated 26.08.2002 by filing a writ petition in W.P.No.27288 of 2022 before this Court.

3.While so, the grievance of the petitioner is that, though the disciplinary proceedings is now over, the respondents have withheld service benefits of the petitioner, like annual increment from 01.11.2002 to November 2022, review benefits during the years 2005, 2012 and 2017, as per the settlement arrived under Section 12(3) of the Industrial Disputes Act, 1947, weightage benefits from 2005 and 2015, regularisation of the



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period of suspension from 02.10.2004 to 02.07.2006, and subsistence allowance for that period, and other consequential benefits, along with interest. In this regard, the petitioner has also submitted his representation to the respondents on 11.07.2023, however, the same has not been considered. Hence, the writ petition.

4. Heard the learned counsel for the petitioner and Mr.S.Rajesh, learned Government Advocate, who takes notice for the 1st respondent.

5. Considering the limited scope of the relief sought for, there shall be a direction to the respondents 2 and 3 to consider the representation of the petitioner, dated 11.07.2023, and pass appropriate orders, on its own merits and in accordance with law, within a period of two months from the date of receipt of a copy of this order.

6. With the above direction, this writ petition is disposed of. No costs.

09.08.2023

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Internet : Yes

<https://www.mhc.tn.gov.in/judis>



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Index : Yes / No

Neutral citation : Yes / No

Speaking order / Nonspeaking order

To

- 1.The Additional Chief Secretary to Government,
State of Tamil Nadu,
Transport Department, Secretariat,
Chennai – 600 009.
- 2.The Managing Director,
M/s.Tamil Nadu State Transport Corporation,
(Kumbakonam) Limited,
No.27, New Railway Station Road,
Kumbakonam – 612 001.
- 3.The General Manager,
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