



W.P.No.34240 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.12.2023

CORAM

THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.34240 of 2017

V.Chandrasekaran

... Petitioner

Vs.

1.M/s.State Express Transport Corporation Limited,
rep. by its Managing Director,
No.2, Pallavan Salai,
Chennai – 600 002.

2.M/s.State Express Transport Corporation Limited,
rep. by its General Manager,
No.2, Pallavan Salai,
Chennai – 600 002.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 2nd respondent to implement the order No.038646/DL2/SETC/2013 dated 04.08.2012 of the 1st respondent and to pay the salary arrears of Rs.2,20,000/- for the period from 26.06.2013 to 29.02.2016 and pay the consequential arrears of pension after revising the pay as per 2010 and 2013 wage settlement taking into consideration of the representation of the petitioner including the one dated



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05.04.2017.

For Petitioner : Mr.D.Soundar Raj

For Respondents : Mr.L.S.M.Hasan Fizal .
Additional Government Pleader

ORDER

This Writ Petition has been filed seeking for a direction to the 2nd respondent to implement the order dated 04.08.2012 of the 1st respondent and to pay the salary arrears of Rs.2,20,000/- for the period from 26.06.2013 to 29.02.2016 and to pay the consequential arrears of pension after revising the pay as per 2010 and 2013 wage settlement taking into consideration of the representation of the petitioner including the one dated 05.04.2017.

2.The brief facts of the case is that the petitioner was appointed as Driver on 01.12.1986 and retired from service as Selection Grade Senior Driver on 29.02.2016, after serving 30 years of unblemished service in the respondent Corporation. Due to the misconduct committed by the petitioner on 23.02.2008, charges were framed against the petitioner with malafide



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intention and major punishment was imposed reducing 5 stages of increment from the basis pay vide order dated 27.06.2009 from the date of order till retirement. Therefore, the petitioner filed an appeal before the Appellate Authority and the Appellate Authority reduced the period of punishment in his order dated 27.06.2009 for 4 years. Thus, the punishment ended on 26.06.2013. Thereafter, the petitioner was eligible for 5 increments along with normal increments for the year August 2013 to August 2015 and the Wage Settlement benefits for the period of 2010 and 2013. Since the 2nd respondent has not implemented the order of the 1st respondent the petitioner lost a sum of Rs.2,20,000/- towards terminal benefits.

3.The learned Additional Government Pleader appearing for the respondent would submit that if a period of eight weeks time is granted, the respondents would consider the representation of the petitioner and pass appropriate orders.



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4.Considering the submission of the learned counsel appearing for the petitioner, without going into the merits of the case, the 2nd respondent is directed to consider the representation of the petitioner dated 05.04.2017 positively and pass appropriate orders on merits and in accordance with law within a period of eight weeks from the date of receipt of copy of this order.

No costs.

12.12.2023

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

To

1.The Managing Director,
M/s.State Express Transport Corporation Limited,
No.2, Pallavan Salai,
Chennai – 600 002.

2.The General Manager,
M/s.State Express Transport Corporation Limited,
No.2, Pallavan Salai,
Chennai – 600 002.



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V.BHAVANI SUBBAROYAN, J,

mps

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