



W.P(MD)No.64 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 27.06.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.64 of 2022
and
W.M.P.(MD)No.43 of 2022

S.Thangavel

... Petitioner

Vs.

1.The Managing Director,
Tamil Nadu State Transport Corporation (Madurai) Ltd.,
Bye Pass Road, Madurai-16.

2.The General Manager,,
Tamil Nadu State Transport Corporation (Madurai) Ltd.,
Dindigul Region, Dindigul-4.

3.The Administrator,,
Tamil Nadu State Transport Corporation
Employees Pension Fund Trust,
Thiruvalluvar Illam, Palavan Salai,
Chennai-2.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the



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respondents to settle the wages along with all monetary consequential service benefits from the date of dismissal on 23.02.2011 till the date of retirement on 30.04.2015 and consequently grant pensionary benefits from the date of retirement with arrears of pension along with belated payment interest.

For Petitioner : Mr.S.Govindan

For Respondents : Mr.J.Senthil Kumaraiah,
Standing Counsel for R1 & R2.
Mr.S.C.Herold Singh,
Standing Counsel for R3.

ORDER

Heard the learned counsel on either side.

2.The petitioner joined the respondent corporation as Conductor in the year 1980. He was dismissed from service on 23.02.2011. However, the approval petition filed by the petitioner was rejected on 27.12.2012. Challenging the same, the management filed a writ petition and the same was allowed and the matter was remanded for fresh consideration. Once



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again, the competent authority declined to grant approval. The same was put to challenge in W.P.(MD)No.14391 of 2014. The said writ petition was disposed of on 24.04.2021 and once again the matter was remanded. In the meanwhile, the petitioner had reached the age of superannuation on 30.04.2015. After the matter was remanded by this Court, the matter was once again taken up and once again rejection order was passed. That has been put to challenge in a writ petition. It is admitted by the learned counsel on either side that the said writ petition is still pending.

3.The question that arises for consideration is whether the petitioner should wait indefinitely. Let me assume that the approval order is eventually granted. Even then his provident fund dues and gratuity cannot be denied. The said amounts shall be paid by the management to the petitioner within a period of eight weeks from the date of receipt of a copy of this order. The learned counsel for the petitioner states that as per Rule 19(b) of Service Rules, provisional pension also can be granted. The management shall pass an order as regards the eligibility of the petitioner for getting provisional pension.



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WEB COPY 4.This writ petition is disposed of accordingly. No costs.

Consequently, connected miscellaneous petition is closed.

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NCC : Yes/No
Index : Yes / No
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G.R.SWAMINATHAN, J.

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