



W.P.(MD)No.4340 of 2018

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.02.2023

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.4340 of 2018

and

W.M.P.(MD).No.4452 of 2018

Mr.K.Nehrudurai

... Petitioner

Vs.

1.The Managing Director,
Tamil Nadu State Transport Corporation
(Kumbakonam) Limited,
Kumbakonam Division,
New Railway Station Road,
Kumbakonam.

2.The General Manager,
Tamil Nadu State Transport Corporation
(Kumbakonam) Limited,
Trichy Region, Periyamilaguparai,
Trichy 620 001.

3.The Branch Manager,
Tamil Nadu State Transport Corporation
(Kumbakonam) Limited,
Theeran Nagar Branch, Trichy Region,
Trichy 620 009.

... Respondents



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PRAYER : Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to the second respondent proceedings in Ref.TNSTC/TRY/SM1/22683/2015, dated 25.04.2016 and quash the same as illegal and arbitrary and consequently direct the respondents to refix the petitioner's scale of pay w.e.f. 01.08.2000 after restoring the petitioner's scale of pay and by revising the same based on the periodical wage settlements along with yearly increments and time bound review benefits payable to the petitioner on their respective due dates in stipulated time period.

For Petitioner : Mr.A.Mu.Sharavanan
For Respondents : Mr.D.Sivaraman

ORDER

This writ petition has been filed challenging the impugned proceedings of the second respondent dated 25.04.2016 and to quash the same and consequently direct the respondents to refix the petitioner's scale of pay w.e.f. 01.08.2000 after restoring the petitioner's scale of pay and by revising the same based on the periodical wage settlements along with yearly increments and time bound review benefits payable to the petitioner



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on their respective due dates in stipulated time period.

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2. The case of the petitioner is that he was appointed as Craftsman Trainee in the respondent Corporation on 16.04.1986 and thereafter his service was regularised and upgraded as Junior Tradesman on 30.05.1987. Thereafter, he was promoted as Assistant Tradesman on 06.07.1993 and his service was upgraded as Tradesman in the year 2006. Now, he is working as Special Grade Tradesman under the third respondent. He got first review benefit on 06.07.1993. But his second review has been considered only on 28.12.2006 instead of 06.07.2000 and his third review has been considered on 26.11.2012 instead of 01.08.2007. Hence, the petitioner has made a representation to the second respondent on 22.07.2015 and the same was not considered. Therefore, the petitioner has filed a writ petition in W.P. (MD).No.22683 of 2015 before this Court and this Court, by order dated 16.12.2015, directed the second respondent to consider the petitioner's representation dated 22.07.2015 and pass appropriate orders, on merits and in accordance with law, within a period of eight weeks. Pursuant to which, the present impugned order dated 25.04.2016, has been passed by the



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second respondent. Challenging the same, the present writ petition has been filed.

3. The learned counsel appearing for the petitioner would submit that the petitioner is entitled for review benefits for the years 1993, 2001, 2009, 2016 and 2021 and the first review benefit was paid only in the year 1993. Thereafter, subsequent review benefit was not paid to the petitioner. However, the second respondent has passed the impugned order as if the entire benefits were granted in favour of the petitioner. Even there was a currency of punishment in force, the petitioner is entitled for review benefits and the same was not considered by the second respondent. Hence, he prayed for allowing this writ petition.

4. The second respondent has filed a counter stating that the petitioner was appointed as Craftsman Trainee on 16.04.1986 and his service was regularised on 30.05.1987. He was granted first review after completion of six years of service. The second review has to be given after completion of eight years ie., on 01.08.2001. However, the second review



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was given on 28.12.2006, on the ground that there was a punishment imposed against the petitioner. When the currency of punishment is in force, the petitioner is not entitled for review benefits. The third review was given on 01.11.2012. Further, during the pendency of the writ petition, the fourth review also granted in favour of the petitioner on 01.02.2019. Hence, all the review benefits were granted in favour of the petitioner and the grievance expressed by the petitioner is misconceived one and he prayed for dismissal of this writ petition.

5. Heard the learned counsel for the petitioner and the learned counsel appearing for the respondents.

6. The present writ petition has been filed only on the ground that the petitioner was not given review benefits for the year 2001, 2009 and 2016. However, the second respondent has filed a detailed counter stating that the petitioner was suffered with the punishment from the year 2001 to 2004. Hence, the review benefits were not granted. However, the same was granted in the year 2006 and 2012 retrospectively for the years 2004 and



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2011. Subsequently, the petitioner was also granted fourth review in the year 2019. Hence, the grievance expressed by the petitioner is misconceived one.

7. In the result, this Writ Petition is dismissed. No costs. Consequently, the connected Miscellaneous Petition is closed.

08.02.2023

NCC: Yes/No
Index : Yes / No
Speaking Order : Yes / No

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M.DHANDAPANI,J.

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