



W.P.(MD).Nos.24497 and 24498 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.06.2023

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THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD).Nos.24497 and 24498 of 2018

W.P.(MD).No.24497 of 2018:

S.Vellai Solai

... Petitioner

Vs.

The Management,
Tamil Nadu State Transport Corporation
(Madurai) Limited,
Bye-Pass Road,
Madurai-625 010.

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records relating to the impugned award passed by the Labour Court, Madurai in ID No.2 of 2015, dated 07.10.2017, to quash the same and in so far as imposing the punishment of reduction of petitioner's basic pay by 5 stages for 3 years without cumulative effect and not granting attendant benefits and back wages.

For Petitioner : Mr.M.Jerin Mathew

For Respondent : Mr.J.Senthil Kumariah



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W.P.(MD).No.24498 of 2018:

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S.Vellai Solai

... Petitioner

Vs.

1.The Management of
Tamil Nadu State Transport Corporation
(Madurai) Limited,
Bye-Pass Road,
Madurai-625 010,
represented by its Managing Director.

2.The General Manager,
Tamil Nadu State Transport Corporation
(Madurai) Limited,
Madurai Region, Bye-Pass Road,
Madurai-625 010.

3.The Assistant Manager (Establishment),
Tamil Nadu State Transport Corporation
Pension Fund Trust,
Thiruvalluvar House, Pallavan Salai,
Chennai-600 002.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the Respondents herein a) To refix the pay of the Petitioner appropriately on par with his immediate junior by granting increments and review benefits for the non-employment period;

b) To settle the retirement benefits including gratuity, leave salary, Provident-Fund, along with interest at the rate of 18% per annum from the date of superannuation till the date of actual payment;



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c) To direct the respondents to sanction the pension by calculating the entire service from 18.08.1997 till 30.06.2018 and to pay arrears of pension from July 2018 along with interest at the rate of 18% per annum.

For Petitioner : Mr.M.Jerin Mathew
For R1 and 2 : Mr.J.Senthil Kumariah
For R3 : Mr.S.C.Herold Singh

COMMON ORDER

The Writ Petition in W.P.(MD)No.24497 of 2018 is filed for writ of Certiorari, to quash the impugned award dated 07.10.2017 passed in ID No.2 of 2015 by the Labour Court, Madurai in so far as imposing the punishment of reduction of petitioner's basic pay by 5 stages for 3 years without cumulative effect and not granting attendant benefits and backwages.

2. The Writ Petition in W.P.(MD)No.24498 of 2018 is filed for writ of Mandamus, to fix the increments and review benefits and to include the attendant benefits and other benefits for the period from 18.08.1997 till 30.06.2018 and to grant the same.

3. The petitioner was unauthorizedly absented from duty, for which the respondents have initiated proceedings and dismissed the petitioner from service. The said punishment was challenged before the Labour Court wherein



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the punishment was modified as stoppage of increment for three years without cumulative effect.

4. The contention of the petitioner is that the punishment is on a higher side and it is affecting his terminal benefits. The petitioner has entered into 18(1) Settlement with the respondents before filing these writ petitions.

5. On perusal of the records it is seen that the present writ petitions were filed on 11.12.2018 but the 18(1) Settlement was entered prior to filing the writ petition i.e. on 14.06.2018. It is also seen that the petitioner has retired on 30.06.2018. Therefore, concealing the fact of 18(1) settlement, the petitioner has filed the present writ petitions. Hence, the writ petitions cannot be entertained. If the employee has entered into 18(1) settlement that will prevail over any order. Confirming the 18(1) Settlement, the writ petitions are dismissed. No costs.

27.06.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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S.SRIMATHY, J.

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