



W.P.(MD).No.29625 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 14.12.2023

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.29625 of 2023

Balakrishnan

... Petitioner

Vs.

1. The Managing Director,
Tamil Nadu State Transport Corporation,
Pallavan Salai,
Chennai.

2. The General Manager,
Tamil Nadu State Transport Corporation,
Kumbakonam Division II,
Periyamilaguparai,
Tiruchirappalli.

... 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 to pay the salary to the petitioner from 24.05.2018 as per the order passed by this Court in W.P(MD) No.8347 of 2010, dated 28.08.2014 till the retirement of petitioner from service on superannuation.

For Petitioner : Mr.J.Madhu

For Respondents : Mr.K.Jagadeesbalan
Standing Counsel



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ORDER

The present writ petition has been filed by a Conductor of the respondent Transport Corporation seeking a mandamus to implement the orders of this Court, dated 28.08.2014 made in W.P(MD) No.8347 of 2010.

2. According to the learned counsel appearing for the writ petitioner, he was removed from service on 25.11.2004. The said removal was challenged by the petitioner in I.D.No.144 of 2006 before the Labour Court, Tiruchirappalli. The Labour Court was pleased to dismiss the said Industrial Dispute on 27.01.2009. Challenging the same, the petitioner had filed W.P(MD) No.8347 of 2010. This Court, by an order, dated 28.08.2014 has allowed the writ petition. The relevant paragraph No.16 is extracted as follows:

“16. In the result, the writ petition is allowed and the award of the Labour Court and the order of the dismissal made by the first respondent are set aside and the first respondent is directed to reinstate the petitioner in service within a period of six weeks from the date of receipt of a copy of this order. The



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petitioner shall be entitled for continuity of service and all other attendant benefits but he shall not be entitled for back wages from the date of dismissal till the date of reinstatement. No costs.”

3. The Management had challenged the order of learned Single Judge in W.A(MD) No.1101 of 2016 dated 11.08.2017. The Hon'ble Division Bench was pleased to dismiss the writ appeal on 11.08.2017. The relevant paragraph No.7 is extracted as follows:

“7. We do not see any ground to take a different view. The principal contention raised by the learned counsel for the appellant is that this Court exercising the jurisdiction cannot re-evaluate the finding of the Labour Court. But when the finding given by the learned Judge is that there is no material in support of the charge, the appellant cannot contend that the scope under Article 226 of Constitution of India is limited. There is no merit in this writ appeal. It stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.”

4. According to the learned counsel appearing for the petitioner, though he has been reinstated in service, the other benefits arising out of continuity



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of service, namely, payment of increment and other benefits have not been conferred upon him. Hence, the present writ petition.

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

6. Considering the above said facts, the respondents herein are directed to implement the order of this Court, dated 28.08.2014 in W.P(MD) No.8347 of 2010 in letter and spirit within a period of twelve weeks from the date of receipt of a copy of this order.

7. With the above said observations, this Writ Petition stands disposed of. There shall be no order as to costs.

14.12.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
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To

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R.VIJAYAKUMAR,J.

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