



WEB COPY



W.P.No.565 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.01.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.565 of 2024
and W.M.P.No.553 of 2024

K.Nagarajan

...Petitioner

-Vs-

1. The Managing Director,
State Express Transport Corporation TN Ltd.,
“Thiruvallurvar House”,
No.2, Pallavan Salai,
Chennai – 600 002.
2. The General Manager (Operation & Administration)
State Express Transport Corporation TN Ltd.,
“Thiruvallurvar House”,
No.2, Pallavan Salai,
Chennai – 600 002.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to re-designate the petitioner as Junior Assistant effective from 01.01.1997; as Assistant effective from 01.11.2003; as Senior Assistant effective from 01.11.2010; as Superintendent effective from 21.09.2019; rectify his pay anomaly, with all reviews, increments, bonus, monetary, service and attended benefits and include the petitioner from 12.06.1996 to



W.P.No.565 of 2024

22.04.2002, for all monetary service and attended benefits, including pensionary benefits, as order by this Court vide order dated 13.11.1998 in W.P.No.9509 of 1997 as confirmed vide order dated 05.09.2001 in W.A.No.1289 of 2001 by the Hon'ble division Bench of this Court and confirmed vide order dated 22.02.2002 in S.L.P(C).No.3294 of 2002 by the Hon'ble Supreme Court, and order dated 29.04.2016 in W.P.No.16388 of 2016 by this Court.

For Petitioner : Mr.S.Mohan

For Respondents : Mr.L.S.M.Hasan Fizal
Standing Counsel

ORDER

This writ petition has been filed for direction directing the respondent to re-designate him as Junior Assistant effective from 01.01.1997, as Assistant effective from 01.11.2003, as Senior Assistant effective from 01.11.2010; as Superintendent effective from 21.09.2019, thereby rectify the pay anomaly with all monetary service benefits, if any and also include the period of service from 12.06.1996 to 22.04.2002, for all monetary benefits and other attendant benefits including the pensionary benefits.



W.P.No.565 of 2024

WEB COPY

2. The petitioner was recommended by the Executive Secretary, Tamil Nadu Public Sector Sports Control Board, Madras, for being appointed in the erstwhile J.J. Transport Corporation, later merged with State Express Transport Corporation (Tamil Nadu) Limited. He was appointed as Junior Assistant on 13.03.1996. As per order dated 19.03.1996, the petitioner was posted at head office in Purchase Section. Deduction were made from his salary such as PF and other statutory duty as done as permanent employee. However, he was terminated from service by an order dated 12.06.1996 on the administration reasons. Therefore, the petitioner submitted representation seeking reinstatement into service.

3. Thereafter, the petitioner approached this Court in W.P.No.9509 of 1997 and this Court by an order dated 12.06.1996 set aside the order passed by the respondents and allowed the writ petition. It was also confirmed up to the Hon'ble Supreme Court of India in S.L.P.(C)No.3294 of 2002 by an order dated 22.02.2022. Thereafter, the petitioner was reinstated into service with effect from 22.04.2002 at



W.P.No.565 of 2024

Bangalore and transferred to Tirupathi during the year 2003. Once again, he was transferred to Chennai Mofussil Bus Terminus, Chennai, during the year 2006. In the year 2009, he was transferred to Coimbatore and finally he was transferred to head office, Chennai. However, his service from 19.03.1996 was not taken into account for any purpose. Therefore, he made representation seeking to include his initial service for all benefits.

4. Since there was no response, the petitioner once again approached this Court in W.P.No.16388 of 2016 and this Court by an order dated 29.04.2016, directed the first respondent to consider the representation submitted by the petitioner and extend all benefits payable to him in the light of the order passed by this Court in the earlier round of litigation within a period of three months from the date of receipt of a copy of that order.

5. On written instruction, Mr.L.S.M.Hasan Fizal, learned standing counsel appearing for the respondents submitted that the petitioner was appointed on daily wages and subsequently, he



W.P.No.565 of 2024

redesignated as Record Clerk as recommended by the Tamil Nadu Public Sector Sports Control Board, Madras. Thereafter, he was posted as Record Clerk on daily wages basis. Therefore, he was not sponsored by the Employment Exchange. Due to administrative reasons, he was dismissed from service on 12.06.1996. After the order passed by this Court, the petitioner was reinstated into service as Daily Paid Record Clerk on 24.02.2002 and his service was regularized on 19.02.2003. The petitioner was reinstated into service as Daily Paid Record Clerk based on the negotiation between the Management and the petitioner. Therefore, the belated request made by the petitioner cannot be considered now.

6. Heard the learned counsel appearing on either side and perused the material placed before this Court.

7. As stated supra, this Court by an order dated 12.06.1996, directed the respondents to reinstate the petitioner. However, on compelling circumstances, the petitioner was reinstated as Record Clerk instead of Junior Assistant, though he was appointed as Junior Assistant,



W.P.No.565 of 2024

as recommended by the Executive Secretary, Tamil Nadu Public Sector Sports Control Board, Madras. Further the appointment was upheld by this Court as well as the Hon'ble Supreme Court of India. Therefore, no question of negotiation between the petitioner and the respondents, while reinstating the petitioner into service.

8. That apart, this Court already ordered in the writ petition in W.P.No.16388 of 2016, seeking consequential benefits by an order dated 29.04.2016 and the relevant portion reads as follows :-

“3. The petitioner was appointed as a Junior Assistant on 13.03.1996 and was designated to work at the Purchase Section in the Head Office by order dated 19.03.1996. The petitioner was dismissed from service on administrative grounds, by an order dated 12.09.1996, which was challenged by the petitioner in W.P.No.9509 of 1997, which was allowed, by an order dated 13.11.1998. As against which, the respondents preferred Writ Appeal in W.A.No.1289 of 2001, which was dismissed by the Hon'ble Division Bench, by judgment dated 05.09.2001 and the Appeal filed by the respondents before the Hon'ble Supreme Court in SLP (C) No.3294 of 2002 was also dismissed by an order dated 22.02.2002. Thereafter, the petitioner was reinstated in service on 22.04.2002 and his



W.P.No.565 of 2024

WEB COPY 10. With the above directions, the Writ Petition stands allowed.

Consequently, connected miscellaneous petition is closed. There shall be no orders as to costs.

22.01.2024

Internet: Yes

Index : Yes/No

Speaking/Non Speaking order

rts



W.P.No.565 of 2024

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G.K.ILANTHIRAIYAN. J.

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