



WEB COPY



W.P.No.1517 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.01.2024

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

W.P.No.1517 of 2024

K.Nageswaran

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Petitioner

Vs

1. Tamil Nadu State Transport Corporation,
(Coimbatore) Ltd.,
Rep. by its Managing Director,
37, Mettupalayam Road,
Coimbatore – 641 043.

2. The General Manager,
Tamil Nadu State Transport Corporation,
(Coimbatore) Ltd., Coimbatore region
37, Mettupalayam Road,
Coimbatore – 641 043.

....

Respondents

Prayer:- Writ Petition filed under Article 226 of Constitution of India for the issuance of Writ of Mandamus, directing the respondents to pay and settle the petitioner terminal benefits, namely, the Gratuity, PF, earned leave salary for 220.5 days, the amounts payable under the Family Benefit Fund and the post-retirement benefit fund and the IRT contribution with interest at the rate of 12% per annum within the specified time as may be fixed by this Court.

For Petitioner : Mrs.V.Porkodi

For Respondents : Mr.C.Gowthamaraj
Standing Counsel



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ORDER

This Writ Petition has been filed for direction directing the respondents to pay and settle the terminal benefits, such as, Gratuity, Provident Fund, Earned Leave Salary, Family Benefit Fund, Post retirement Benefit Fund and IRT contribution, with interest.

2. Heard the learned counsel appearing on either side and perused the materials available on record.

3. The petitioner was working as Tradesman. Though the respondents provided him alternative employment based on his physical conditions, they marked his absent from 21.09.2022. Therefore, the petitioner approached this Court in W.P.No.159 of 2023, to provide suitable alternative employment on permanent basis, with continuity of service, back wages and all other service benefits. This Court, by an order dated 10.01.2023, directed the respondents to pass final order on his representation. Thereafter, by an order dated 03.06.2023, he was allowed to join duty from 07.06.2023. He was directed to appear before the Medical Board on 05.06.2023 and on several other dates. Therefore, he could not join duty on 07.06.2023. Thereafter, he had joined duty on



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4. On the attainment of age of superannuation, the petitioner was allowed to retire from service on 30.06.2023. By an order dated 24.06.2023, the second respondent imposed punishment to reduction of basic pay by two stages permanently for the unauthorised absent from 21.09.2022. Thereafter, the first respondent issued consequential order dated 03.07.2023, thereby reduced his basic pay from Rs.48,900/- to 46,100/- and ordered for recovery of a sum of Rs.25,200/-. Accordingly, a sum of Rs.8,871/- was deducted from his salary from the month of June 2023 and directed the petitioner to pay the balance amount. As per the medical report, he should be given light duty, without requiring the petitioner to do any manual work. Therefore, the petitioner submitted a representation to pay his salary for the said period and settle the other terminal benefits.

5. Considering the facts and circumstances of the case, the respondents are directed to consider the representation of the petitioner and pass orders on merits and in accordance with law within a period of twelve weeks from the date of receipt of a copy of this order.

6. With the above direction, this Writ Petition is disposed



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of. No costs.

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24.01.2024

Internet : Yes

Index : Yes/No

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To

1.The Managing Director,
Tamil Nadu State Transport Corporation,
(Coimbatore) Ltd.,
37, Mettupalayam Road,
Coimbatore – 641 043.

2. The General Manager,
Tamil Nadu State Transport Corporation,
(Coimbatore) Ltd., Coimbatore region
37, Mettupalayam Road,
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G.K.ILANTHIRAIYAN, J.



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W.P.No.1517 of 2024
and
W.M.P.No.1464 of 2024

24.01.2024