



W.P.No.35405 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.04.2024

CORAM:

**THE HONOURABLE Mr. JUSTICE MUMMINENI
SUDHEER KUMAR**

W.P.No.35405 of 2019

K.Srinivasan

... Petitioner

Vs.

1.The Managing Director
Tamil Nadu State Transport Corporation
(Coimbatore) Ltd
37, Metttupalayam Salai
Coimbatore 043.

2.The General Manager
Tamil Nadu State Transport Corporation
(Coimbatore Division II) Ltd
Erode 638 001.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents to grant petitioner benefits of the yearly review for the period from 2004 to 2019 and the difference of wages raising of such grant of yearly review along with the



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difference amount payable on the head of bonus, incentives, increments and other benefits by giving the review benefits for the period from 2004 to 2019.

For Petitioner : Mr.N.K.Ponraj

For Respondents : Mr.M.Murali Vinodh

ORDER

The petitioner herein who was appointed as a driver in the respondent corporation on 09.05.2000 has been continuing as such as on date. While so, the petitioner was issued with the charge memo on 08.03.2005 on the ground that the SSLC certificate produced by him for securing the employment was false certificate and aggrieved by the said charge memo, the petitioner approached this Court by filing W.P.No.15378 of 2005. The learned Single Judge of this Court by an order dated 25.06.2014 allowed the said Writ Petition quashing the charge memo issued against the petitioner.

2. Though the Writ Appeal said to have been filed against the order dated 25.06.2014 in W.P.No.15378 of 2005, the same was dismissed by



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an order dated 18.08.2023 on the ground that the order passed by the learned Single Judge in W.P.No.11734/2005 has already been complied with. Though the said order in W.P.No.15378 of 2005 was passed on the ground of violation of principles of natural justice, no liberty was granted to the respondent corporation to reinitiate the proceedings against the petitioner. Be that as it may, as on date, there are no proceedings that are pending and admittedly, the petitioner is continuing in service as on date since 09.05.2000. The grievance expressed by the petitioner in the Writ Petition is that though he served for about 24 years, the petitioner is not being awarded with yearly increment, promotion and incentives entitled to on par with other employees of the respondent corporation. Hence, the petitioner approached this Court by way of present Writ Petition.

3. Though the respondent filed a counter affidavit, there is no substantial reason or basis indicated in the counter affidavit to deny the petitioner of service benefits as were granted to others. Be that as it may, the petitioner is continuously working in the respondent corporation as a driver for the past 24 years and there are no disciplinary proceedings pending and



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no orders are passed by the respondent to deny benefit of yearly increment, bonus, revised pay, selection grade pay etc. In the absence of any adverse orders passed against the petitioner, the petitioner cannot be denied service benefits.

4. In the light of the above, this Writ Petition is allowed directing the respondent to take steps to release all service benefits to the petitioner pursuant to his initial appointment as a driver on 09.05.2000 on par with other similarly placed persons and pay all arrears payable to the petitioner as expeditiously as possible at any rate within a period of three months from the date of receipt of a copy of this order. No costs.

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Index : Yes / No
Internet : Yes / No
dna



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To

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MUMMINENI
SUDHEER KUMAR, J.
dna

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