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W.P.No.37780 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.12.2024

CORAM:

THE HONOURABLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.37780 of 2024

A.Mohammed Tajudeen

..Petitioner

Vs

M/s.State Express Transport Corporation,
Rep. by its Managing Director,
No.2, Pallavan Salai,
Chennai - 600 002.

...Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondent herein to furnish the details of the petitioner's part of contribution of Provident Fund to be made to the respondent corporation for the period from 01.09.1991 to 30.10.2008 in order to take his entire service for calculation of all terminal benefits including pension, in light of orders passed by this court in W.P.No.5154 of 2024 dated 29.02.2024 and by considering the representation of the petitioner dated 23.10.2024.

For Petitioner : Mr.D.Soundar Raj

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



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ORDER

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2. The petitioner has filed this writ petition to issue a Writ of Mandamus directing the respondent to furnish the details of the petitioner's part of contribution of Provident Fund to be made to the respondent corporation for the period from 01.09.1991 to 30.10.2008 in order to take his entire service for calculation of all terminal benefits including pension, in light of orders passed by this court in W.P.No.5154 of 2024 dated 29.02.2024 and by considering the representation of the petitioner dated 23.10.2024.

3. The case of the petitioner is that the petitioner joined in the respondent corporation on 15.08.1987 as Non ITI Helper. Since his services were not regularized, he approached this court by filing a writ petition in W.P.No.2817 of 1993 along with 7 others to regularize their services from 01.09.1991 and this Court allowed the writ petition on 31.01.2000 by following the order of this Court in similar batch case in W.P.No.13948 of 1997 dated 27.07.1999. The petitioner was dismissed from service vide order dated 20.01.2001 without accepting his



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proceeded on leave. Aggrieved by the order of dismissal, the petitioner raised dispute in I.D.No.9 of 2002 before Labour Court, Chennai and the Labour Court passed award on 23.11.2007 to reinstate him into service with continuity of service and with all other attendant benefits with 50% back wages.

(ii). Subsequently, he was reinstated into service w.e.f. 01.09.1991 vide order of the respondent dated 31.10.2008 and the petitioner retired from service on 30.04.2020. After retirement, the respondent availed the service of the petitioner from 31.10.2008 to 30.04.2020 for calculation of his retirement benefits and left out his service from 01.09.1991 to 30.09.2008 in violation of 1st respondent's own undertaking vide his order dated 31.10.2008. Aggrieved by the order of the respondent, the petitioner preferred a writ petition in W.P.No.8478 of 2023 and this Court on 29.02.2024 directed the respondent to consider the earlier period of service from 1991 to 30.04.2020 for all benefits for the petitioner after depositing the provident fund contribution of the petitioner for the leftover period, but the same was not considered. Hence, the petitioner filed a contempt petition No.2591 of 2023. When the contempt petition came up for hearing, the respondent informed the court that the petitioner



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has to deposit a sum of Rs.7,00,000/- towards P.F. contribution which comes more than the back wages. Hence, the contempt petition was closed by this Court on 17.10.2024. Aggrieved by the reply furnished by the respondent, the petitioner sought for the details of statement of recovery vide representation dated 23.10.2024, but the same was not considered. Hence this petition.

4.The learned counsel for the petitioner submitted that it would be suffice if this Court issues a direction to the respondent to consider the petitioner's representation and pass orders.

5. The learned standing counsel appearing for the respondent submitted that the representation of the petitioner will be considered and will pay the eligible amount with 6% interest P.A as per the earlier orders of this Court.

6. Considering the facts of the case, this Court on submission made by either side counsel directs the respondent to consider the representation of the petitioner and pass orders on the claim made by the petitioner within a period of twelve weeks from the date of receipt of a copy of this Order. With regard to interest for the belated payment it will be 6% interest per annum from the date on which the amount became



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due and payable till the date of disbursement. It is made clear that if the amount is not paid within the time frame fixed by this Court, the same will carry interest at the rate of 12% per annum from the date on which the amount became due and payable till the date of disbursement.

7. With the above directions, this Writ Petition stands disposed of.

No order as to costs.

11.12.2024

Index: Yes/No

Speaking order/Non-speaking order

msv

To

The Managing Director,

M/s.State Express Transport Corporation,

No.2, Pallavan Salai,

Chennai - 600 002.



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V.BHAVANI SUBBAROYAN,J.

msv

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