



W.P.(MD).No.12699 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 06.11.2024

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.12699 of 2023

S.Joseph

Vs.

... Petitioner

1. The Secretary to the Government
of Tamil Nadu,
State Transport Corporation,
St. George Fort, Chennai.
2. The General Manager,
Tamil Nadu State Transport Corporation,
Tirunelveli.
3. The Branch Manager,
Tamil Nadu State Transport Corporation,
Tirunelveli Town Depot-II,
Kattabomman Nagar,
Tirunelveli.
4. The Administrative Director,
Tamil Nadu State Transport Corporation,
Tirunelveli.
5. The Deputy Manager,
Appointments and Law,
Tamil Nadu State Transport Corporation,
No.3, Thiruvananthapuram Road,
Vannarapettai Post, Tirunelveli.



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6. The Assistant Manager,
(Job recruitment)
Tamil Nadu State Transport Corporation,
Tirunelveli.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order issued by the sixth respondent herein in his proceedings க.எண்.13744/ப.அ/இழ/த.அ.பொ.க/தி.லி/2023, dated 12.04.2023 and quash the same and directing the respondents to grant past terminal benefits along with the present terminal benefits and further benefits.

For Petitioner : Mr.S.Samuel James Devasagayam

For R1 : Mr.A.Baskaran
Additional Government Pleader

For R2, R3, : Mr.D.Jebaraj
R5 and R6 Standing Counsel

For R4 : Mr.S.C.Herold Singh
Standing Counsel

ORDER

The present Writ Petition has been filed by a Conductor of the respondent Transport Corporation, challenging the order dated 12.04.2023, wherein the request of the writ petitioner to calculate his past services for payment of backwages have been rejected.



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2. The petitioner herein, who was working as a Conductor in the respondent Transport Corporation was dismissed from service on 27.07.1994. After four years, the petitioner and the respondent Management had entered into a settlement under Section 18(1) of the Industrial Disputes Act, wherein the petitioner had agreed to get reappointed as a fresh entrant on a daily wage basis. The petitioner has also agreed that the past services prior to the non-employment will not be counted for the purpose of future increment. Based upon the said settlement, appointment order was issued to the writ petitioner. The petitioner has attained superannuation in the year 2019.

3. Just prior to his retirement, the petitioner has submitted a representation on 26.10.2018, to calculate the prior employment period and to reckon the same for the purpose of his pension. Since the said representation was not considered, the petitioner has filed W.P(MD) No.2663 of 2019. This Court, by an order dated 20.02.2019, had directed the respondent Management to consider the representation and pass necessary orders, after offering opportunity of hearing to the petitioner.



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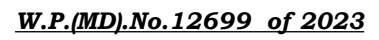
4. In compliance with the orders of this Court, the respondent Transport Corporation has passed an order on 27.04.2019, rejecting the request of the writ petitioner. Thereafter, the petitioner has given another representation on 09.02.2023, which has resulted in passing of the present impugned order dated 12.04.2023.

5. The narration of the above said facts will clearly indicate that the petitioner is trying to revive the said issue which has already attained finality and adverse orders have been passed as against the writ petitioner on 27.04.2019. Without challenging the said final order, the present writ petition is not maintainable.

6. Accordingly, this Writ Petition stands dismissed. There shall be no order as to costs.

06.11.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
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of Tamil Nadu,
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R.VIJAYAKUMAR,J.

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