

W.P(MD)No.6549 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
WEB COPY

DATED: 13.12.2024

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.6549 of 2019 and
WMP(MD) No.5243 of 2019

T.Nagarajan

... Petitioner

Vs

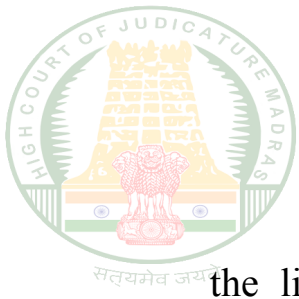
1.The Managing Director,
Tamil Nadu State Transport Corporation (TNSTC),
Bye-Pass Road,
Palanganatham,
Madurai District.

2.The Managing Director,
Tamilnadu State Transport Corporation,
Tirunelveli.

...Respondents

(R2 is Suo Motu Impleaded vide Court Order dated 16.08.2022 in WP(MD).6549 of 2019 by MSRJ).

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondent Managing Director to re-compute forthwith the monthly pension and other terminal benefits of the petitioner by reckoning his entire service viz., 28 years 9 months and 22 days, in



W.P(MD)No.6549 of 2019

the light of Award passed by the Labour Court, Madurai dated 19.06.2008 and the Orders of this Honble Court in Writ Petition (MD) No.4474 of 2009 dated 14.11.2016 and to disburse the revised pension and terminal benefits to the petitioner with penal interest at the rate of 18%.

For Petitioner	: Mr.S.Sivasamy
For R1	: Mr.S.C.Herold Singh
	Standing Counsel
For R2	: Mr.D.Jebaraj

ORDER

The petitioner, who is a retired driver of the respondent Transport Corporation has approached the Chief Minister Cell with a grievance that his retirement benefits were not settled, even after his retirement on 31.12.2016. The respondent Corporation sanctioned a sum of Rs.7,333/- towards his monthly pension from the month of April 2017, a sum of Rs.1,65,051/- was also credited to his bank account on 08.12.2017 towards the provident fund. However, the other terminal benefits were not provided to this petitioner. Therefore, this petitioner has submitted a representation on 11.09.2017 before the respondents and filed this writ petition,

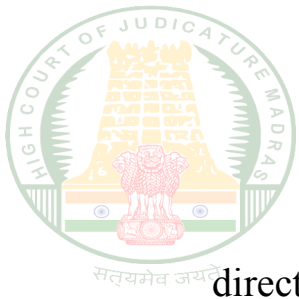


W.P(MD)No.6549 of 2019

WEB COPY

seeking a Mandamus, directing the Managing Director of the respondent Corporation to recompute his monthly pension and other terminal benefits of the petitioner, by reckoning his entire service of 28 years 9 months and 22 days in the light of the award passed by the Labour Court, Madurai, dated 19.06.2008 and the orders of this Court in WP(MD) No.4474 of 2009, dated 14.11.2016.

2.The learned Counsel appearing for the petitioner submits that this petitioner was dismissed from service that he was unauthorizedly absent in the year 1998. According to the learned Counsel, this petitioner was affected with viral fever. He has availed leave along with medical Certificate, however, without providing the eligible leave, a disciplinary proceedings was initiated as against the petitioner, treating his medical leave as unauthorized absent and thereafter he was dismissed from service on 20.03.2000. This order of dismissal from service was challenged by this petitioner before the Labour Court, Madurai in ID No.72 of 2005. The Labour Court by its order dated 19.06.2008 has set aside the order of dismissal and



W.P(MD)No.6549 of 2019

WEB COPY

directed the respondent Corporation to reinstate the petitioner into service with continuity of service. However, the Labour Court, while allowing the petition has declined to order for payment of back wages to the petitioner from the date of dismissal till the date of reinstatement. The award passed by the Labour Court, Madurai in ID.No.72 of 2005 was challenged by the respondent Management by way of a writ petition before this Court in WP(MD) No.4474 of 2009 and the same was dismissed by this Court on 14.11.2016. He further submits that as against the order of this Court in WP(MD) No.4474 of 2009, the Management has preferred a writ appeal, which was also dismissed by this Court. Therefore, according to the learned counsel, the award passed by the Labour Court, Madurai has been confirmed, thereby, the petitioner is entitled for retirement benefits by calculating the period of service as 28 years, 9 months and 22 days of service. Hence, this petitioner has made repeated representations and the respondents have not considered the same.



W.P(MD)No.6549 of 2019

WEB COPY

3.The learned Standing Counsel appearing for the respondent Corporation submits that the retirement benefits were settled to the petitioner. However, the learned Standing Counsel is not having any details to clarify as to the total amount, which is due to the petitioner and the amount which has already been settled to him.

4.This Court considered the rival submissions made and also perused the materials placed on record.

5. The grievance of the petitioner is that though he has retired from service in the year 2016, he has not been settled with the terminal benefits, even after succeeding in all the proceedings before the appropriate Forums. It appears that a part amount has been settled to this petitioner on 18.12.2017. The petitioner claims that he is entitled for more pension other than the pension which has already been sanctioned on 18.12.2017. This writ petition was entertained by this Court on 10.04.2019. The then Standing Counsel



W.P(MD)No.6549 of 2019

WEB COPY

for the respondent Mr. A.P.Muthupandian took notice for the respondents. It is to be noted that though this writ petition is pending for the past five years, the respondents have not preferred to file a counter affidavit so far. They neither settled the dues to the petitioner nor filed any objections to the writ petition that this petitioner is not entitled for the relief.

6.It is an admitted fact that the employee of the respondent Corporation has not been settled with the retirement benefits even after his retirement in the year 2016. The respondent Corporation has not taken any effective steps to settle the amount. In view of the above, this Court is inclined to allow this writ petition with a cost of Rs.25,000/-, payable by the respondent Corporation to the petitioner.

7.Accordingly, this writ petition is allowed with a direction to the respondents to pay the eligible terminal benefits to this petitioner as per the orders of the Labour Court, Madurai in



W.P(MD)No.6549 of 2019

WEB COPY

ID.No.72 of 2005, dated 19.06.2008, within a period of four weeks.

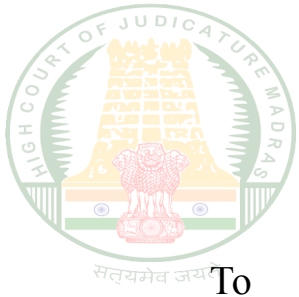
Considering the attitude of the respondent in dealing with a request of an employee for his terminal benefits, who has retired from service in the year 2016, by not even filing the response to this writ petition, this Court is inclined to impose a cost of Rs.25,000/-. However, on the persuasion made by the learned Standing Counsel, this Court refrains from imposing cost. No costs. Consequently, connected Miscellaneous Petition is closed.

13.12.2024

NCC:Yes/No

Index:Yes

vrn



W.P(MD)No.6549 of 2019

To
WEB COPY

- 1.The Managing Director,
Tamil Nadu State Transport Corporation (TNSTC),
Bye-Pass Road,
Palanganatham,
Madurai District.

- 2.The Managing Director,
Tamilnadu State Transport Corporation,
Tirunelveli.



WEB COPY



W.P(MD)No.6549 of 2019

B.PUGALENDHI, J.

vrn

Order made in
W.P(MD)No.6549 of 2019 and
WMP(MD) No.5243 of 2019

13.12.2024