



W.P(MD)No.8653 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.12.2024

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.8653 of 2019 and
WMP(MD) No.6739 of 2019

A.Krishnan

... Petitioner

Vs

The Management,
Tamil Nadu State Transport Corporation
(Madurai Division II) Limited.,
Tirunelveli Region,
Vannarpettai,
Tirunelveli-3.

...Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondent to pay the back wages, salary arrears, salary and other benefits and perks with subsequent interest as fixed by this Court as from the date of denial of employment i.e., 22.03.1988 till to the date of the petitioner's retirement i.e., 01.04.2004 and also the terminal benefits after retirement along with the other benefits as extended to the retired employees of the corporation to the petitioner with interest thereupon pursuant to the order of the Labour Court, Tirunelveli, dated



W.P(MD)No.8653 of 2019

29.10.2007, made in I.D.No.150 of 2000 and subsequently as confirmed by this Court in WP(MD) No.5041 of 2009, dated 24.08.2017.

For Petitioner : Mr.S.Palani Velayutham
For Respondent : Mr.K.Sathiya Singh
Standing Counsel

ORDER

The petitioner, who was working in the Tamil Nadu State Transport Corporation, Madurai Division II, Ltd has been removed from service that he was unauthorizedly absent for a period of 4 ½ years. The order of removal has been challenged by this petitioner by raising an industrial dispute in ID No.150 of 2000, before the Labour Court, Tirunelveli. The Labour Court has passed an award in favour of the petitioner, directing the Management to reinstate him into service with back wages. This order of the Labour Court was challenged by the Management by way of a writ petition before this Court in WP(MD)No.5041 of 2009 and the same was dismissed by order dated, 24.08.2017. Therefore, the petitioner has approached this Court seeking a Mandamus, to direct the respondent to pay the back wages, salary



W.P(MD)No.8653 of 2019

WEB COPY

arrears and the terminal benefits as per the order of the Labour Court, Tirunelveli in I.D.No.150 of 2000, dated 29.10.2007.

2.Today(18.12.2024), when this writ petition is taken up for hearing, it is reported that as against the order of the Writ Court in WP(MD)No.5041 of 2009, dated, 24.08.2017, the Management has preferred a writ appeal before this Court in WA(MD) No.1291 of 2022 and the Honourable Division Bench has entertained the writ appeal and has also granted an order of interim stay in CMP(MD) No.9989 of 2022 in WA(MD) No.1291 of 2022, dated 31.10.2022. In the meantime, the petitioner has filed this writ petition seeking a Mandamus, to direct the Management to pay the back wages as per the award passed by the Labour Court, Tirunelveli.

3.Since the award passed by the Labour Court in I.D.No. 150 of 2000, dated 29.10.2007 is under challenge before the Honourable Division Bench of this Court in WA(MD) No.1291 of 2022, wherein, the Honourable Division Bench has also granted an



W.P(MD)No.8653 of 2019

WEB COPY

order of interim stay, this writ petition is closed with liberty to this petitioner to work out his remedy in the writ appeal, which is pending on this issue. No costs. Consequently, connected Miscellaneous Petition is closed.

18.12.2024

NCC:Yes/No

Index:Yes

vrn

To

The Management,
Tamil Nadu State Transport Corporation
(Madurai Division II) Limited.,
Tirunelveli Region,
Vannarpettai,
Tirunelveli-3.



WEB COPY



W.P(MD)No.8653 of 2019

B.PUGALENDHI, J.

vrn

Order made in
W.P(MD)No.8653 of 2019 and
WMP(MD) No.6739 of 2019

18.12.2024