



W.A.(MD)No.1439 of 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.02.2024

CORAM:

THE HONOURABLE **MRS.JUSTICE V.BHAVANI SUBBAROYAN**

AND

THE HONOURABLE **MR.JUSTICE K.K. RAMAKRISHNAN**

W.A.(MD)No.1439 of 2016

P.Alagarsamy

...Appellant

/Vs./

1.The Management of State Express Transport  
Corporation (Tamilnadu) Ltd.,  
Rep. By its Managing Director,  
Pallavan Salai,  
Chennai – 2.

2.The General Manager,  
State Express Transport Corporation (Tamilnadu) Ltd.,  
Pallavan Salai,  
Chennai – 2.

3.The Branch Manager,  
Madurai Branch of State Express Transport  
Corporation (Tamilnadu) Ltd.,  
Madurai.

...Respondents



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**PRAYER:-** Writ Appeal - filed under Clause XV of Letters Patent Act, to allow the writ appeal and to set aside the order passed by this Court in W.P.(MD)No.1981 of 2016 dated 01.02.2016.

For Appellant : Mr.R.Venkatesan

For Respondents : Mr.K.Sathiya Singh

### **JUDGMENT**

(Judgment of the Court was made by **V.BHAVANI SUBBAROYAN, J.**)

Challenging the order passed by the learned Single Judge of this Court in WP(MD)No.1981 of 2016 dated 01.02.2016, the writ petitioner preferred this writ appeal.

2. The case of the writ petitioner is that the writ petitioner / appellant was appointed as driver in the first respondent Corporation on 01.03.1981. He was given promotion as Senior Grade Driver after six years and Section Grade Driver after eight years. He had rendered 33 years of service unblemished. Suddenly, the writ petitioner was admitted in the hospital due to the heart ailment. When the writ petitioner was reported duty, he made a representation to the first respondent requesting



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them to provide light duty. Since it has not been done, a writ petition was filed by the writ petitioner before this Court in WP(MD)No.10716 of 2011, which was also allowed on 22.06.2012 directing to provide alternate employment with same pay protection, continuity of service and all other attendant benefits. Since it has not been complied with, a contempt petition has been filed. Thereafter, the respondents provided alternate employment based on the report of the medical board dated 05.08.2011. As against the order of the writ Court, an appeal in WA(MD)No.756 of 2015 has been filed by the Corporation, which was also dismissed.

3. In the meantime, the writ petitioner got superannuated and he made a representation to the respondents in this regard. Thereafter, he has also filed the writ petition in WP(MD)No.1981 of 2015. This Court, by relying upon the earlier order of the Division Bench of this Court disposed the writ petition by directing the respondent Corporation to settle the terminal benefits in 12 monthly installments with 6% interest per annum and 18% interest for the delayed period. Challenging the



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same, this appeal is filed only with regard to providing the writ petitioner / appellant with promotion and other attendant benefits.

4. The learned counsel appearing for the appellant submits that the plea of the appellant was neither discussed nor considered and the inaction on the part of the respondents not disbursing other benefits mentioned in WP(MD)No.10716 of 2011 dated 22.06.2012 affects the livelihood of the appellant, which was guaranteed under Article 21 of the Constitution of India. He further submits that the appellant is no more.

5. The learned counsel appearing for the respondents states that he is not in a position to state whether the appellant has been paid with all terminal benefits as directed by this Court in the writ petition.

6. This Court considered the rival submissions made on either side.

7. On perusal of the order passed by the learned Single Judge, it is seen that only after considering all the contentions raised by the



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appellant, the learned Single Judge has passed the well reasoned order.

However, the appellant is before this Court with a plea that the other benefits were not disbursed to the appellant.

8. Considering the facts and circumstances of the case, we direct the respondents to pay the terminal benefits of the appellant, if not already paid, as per the direction of this Court in WP(MD)No.1981 of 2016. It is also seen that the writ petitioner / appellant is no more and hence, liberty is given to the legal heirs of the appellant to approach the authorities, if they are aggrieved over the working sheet dated 06.04.2016, within a period of two weeks from the date of receipt of a copy of this order.

9. This writ appeal is disposed of with the above observation.

No costs.

**(V.B.S.J.) & (K.K.R.K.J.)**  
**22.02.2024**

NCC :Yes/No  
Index :Yes/No  
Internet :Yes

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**V.BHAVANI SUBBAROYAN, J.**

**and**

**K.K. RAMAKRISHNAN, J.**

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**TO:-**

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Dated:  
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