



WP(MD)No.22714 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 20.12.2024

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THE HONOURABLE MR. JUSTICE B.PUGALENDHI

WP(MD)No.22714 of 2019

S.Peter

... Petitioner

versus

The Zonal Manager,
Tamil Nadu State Transport Corporation,
Tirunelveli Zone,
Tirunelveli.

... Respondent

Writ Petition filed under Article 226 of the Constitution of India, seeking for the issuance of a Writ of Mandamus, to direct the respondent to pay the pensionary contribution towards the pensionary benefits of the petitioner for the period pertaining to 22.7.2004 to 21.5.2009.

For Petitioner : Ms.D.Geetha

For Respondent : No appearance

ORDER

The petitioner is a retired employee of the State Transport Corporation. He has filed this writ petition seeking a Mandamus, directing the respondent to pay the pensionary contribution towards the



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pensionary benefits to him for the period from 22.7.2004 to 21.5.2009.

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2. The learned counsel appearing for the petitioner submits that in the year 2004, when the petitioner was working as a Driver in the respondent Transport Corporation, there was an incident of stone pelting and in that incident, he suffered injuries on his eyes and lost his eye-sight partially. Based on the medical report that he did not have sufficient eye-sight for driving a bus, the respondent, by order dated 08.07.2004, discharged the petitioner from service. Though the petitioner was out of employment due to the medical grounds, he submitted a representation to the respondent on 26.07.2018 requesting them to pay his pensionary contribution for the period from 22.07.2004 to 21.05.2009. However, the same has not been considered. Therefore, the petitioner has filed this writ petition.

3. This Court has entertained this writ petition on 25.10.2019 and ordered notice to the respondent. The notice was served on the respondent, however, there is no representation for the respondent Corporation.



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4. This Court considered the submissions made by the learned counsel appearing for the petitioner and also perused the materials placed on record.

5. The petitioner, while he was serving as a driver in the respondent Corporation, there was an incident of stone pelting and in that incident, he suffered injuries on his eyes and lost his eye-sight partially. The Doctor, who examined him, stated that he did not have sufficient eye-sight for driving a bus. Therefore, the petitioner was discharged from duty by order dated 08.07.2004. The order dated 08.07.2004 was challenged by the petitioner in W.P.(MD)No.8920 of 2008. This Court, by order dated 24.11.2008, allowed the writ petition with a direction to the respondent to provide the petitioner with an alternative employment within a period of two months from the date of receipt of a copy of the order. Pursuant to the order of this Court, the petitioner was also reinstated in service on 22.05.2009. Now, it is the grievance of the petitioner that the respondent has not paid the pensionary contribution for the period from 22.7.2004 to 21.5.2009.



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6. This Court, in W.P.(MD)No.8920 of 2008, has already passed an order that the petitioner is not entitled for backwages for the period during which he was out of employment. However, the fact remains that the petitioner was discharged from service without providing alternative employment. Further, the respondent Corporation has not considered the case of the petitioner that he has suffered injury while discharging his duty. Pursuant to the order of this Court, the petitioner was provided with alternative employment only on 22.05.2009.

7. It is the responsibility of the Transport Corporation to protect their employees and their rights. When the petitioner has suffered injury while discharging his duty, it is the responsibility of the Transport Corporation to provide him with alternative employment. However, the respondent Corporation has not done so. Since there is a failure on the part of the Transport Corporation, the Transport Corporation is liable to pay atleast the pensionary contribution towards the pensionary benefits of the petitioner for the period from 22.7.2004 to 21.5.2009



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8. Accordingly, this writ petition is disposed of with a direction to the respondent to pay the pensionary contribution towards the pensionary benefits of the petitioner for the period from 22.7.2004 to 21.5.2009 as expeditiously as possible. No costs.

20.12.2024

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NCC : Yes / No.

Index : Yes / No.

Internet: Yes / No.

To

The Zonal Manager,
Tamil Nadu State Transport Corporation,
Tirunelveli Zone,
Tirunelveli.



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B.PUGALENDHI, J.

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