

WP(MD)No.20637 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 02.01.2025

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

WP(MD)No.20637 of 2021

N.Mahalingam

... Petitioner

Vs

1.The Management of
Tamil Nadu State Transport Corporation
(Kumbakonam) Ltd,
Trichy Region,
Represented by its General Manager, Trichy.

2.The Administrator,
Tamil Nadu State Transport Employees' Pension
Fund Trust,
Thiruvalluvar Illam,
Anna Salai, Chennai – 2.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of mandamus directing the 1st respondent to give 4th review benefit to the petitioner with effect from 01.02.2018 and accordingly revise his scale of pay and further directing the respondents to give him all consequential and monetary benefits, including arrears of wages and terminal benefits / pension benefits, after revising his terminal and pension benefits based on such scale of pay payable to him on the month of his retirement together with interest at the rate of 16% per annum.

For Petitioner : Mr.S.Arunachalam

For Respondent : Mr.P.Balasubramaniam
No.1

For Respondent : Mr.S.C.Herold Singh
No.2



WP(MD)No.20637 of 2021

ORDER

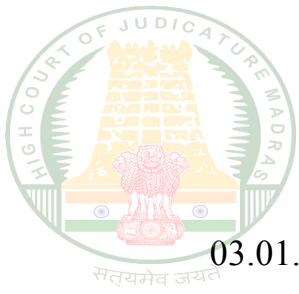
WEB COPY

The petitioner is a retired Conductor. He filed this writ petition with a grievance that the 4th review eligible for him was not provided by the respondent corporation.

2.The learned Counsel for the petitioner submits that this petitioner retired from service on 31.05.2018. He was eligible for 4th review in the year 2018 and it ought to have been provided to the petitioner in the month of February, 2018. But it was not provided and therefore he was paid less salary as well as less pension benefits.

3.The learned Standing Counsel for the transport Corporation submits that this petitioner was unauthorizedly absent for duty in the month of February, 2018 for 20 days and therefore the petitioner was not considered at the time of review in the month of February, 2018. He had participated in an illegal strike on 31.05.2018. Therefore, he was not considered for review in the month of May 2018.

4.The learned Counsel for the petitioner in reply submits that the period of unauthorized absence as projected by the respondent is from



WP(MD)No.20637 of 2021

03.01.2018 to 01.02.2018 for which this petitioner has already submitted an application to the General Manager and he has also sanctioned leave by order dated 17.01.2018. Therefore, according to the learned Counsel, the unauthorized absence as projected by the respondent is not correct.

5.This Court considered the rival submissions made.

6.The petitioner claims that he retired from service on 31.05.2018 and he is entitled for the 4th review. The review ought to have been considered in the month of February and in the month of May of every year. The petitioner's case was not considered by the respondent corporation for February 2018 that this petitioner was unauthorizedly absent for a period of 20 days in the month of January and February 2018.

7.The petitioner along with the typed set of papers has filed a document that the petitioner has sought leave on medical grounds from 03.01.2018 upto 01.02.2018 by his application dated 03.01.2018 and the same was allowed by the General Manager on 17.01.2018. Once the leave has been sanctioned by the competent authority, the respondent corporation is not justified in denying the 4th review by citing the leave as unauthorized



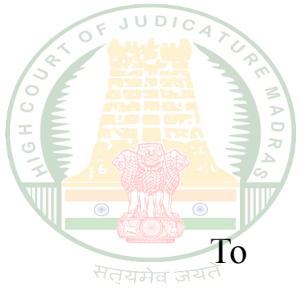
WP(MD)No.20637 of 2021

absence, which period has been sanctioned by the General Manager. The second ground raised by the respondent Corporation is that the petitioner was unauthorizedly absent on 31.05.2018 due to the issue of illegal strike. It is reported that this illegal strike was already declared by the government as a leave.

8. The learned Standing Counsel has also produced the proceedings dated 28.12.2024 and submits that this petitioner's request was already considered. Perusal of this order reveals that the objections of this petitioner with regard to the unauthorized leave from 03.01.2018 to 01.02.2018 is not at all discussed in the order. Similarly there was no disciplinary proceedings as against this petitioner for his participation in the illegal strike in the month of May 2018 and therefore this writ petition is allowed with the direction to the respondent transport Corporation to consider the case of this petitioner in the light of the leave letter and the approval of leave granted by the General Manager and to take a decision afresh within a period of twelve weeks from the date of receipt of a copy of this order. No costs.

02.01.2025

DSK



WP(MD)No.20637 of 2021

To

WEB COPY

- 1.The General Manager
Tamil Nadu State Transport Corporation
(Kumbakonam) Ltd,
Trichy Region,
Trichy.
- 2.The Administrator,
Tamil Nadu State Transport Employees' Pension
Fund Trust,
Thiruvalluvar Illam,
Anna Salai, Chennai – 2.



WEB COPY



WP(MD)No.20637 of 2021

B.PUGALENDHI.J.,

DSK

WP(MD)No.20637 of 2021

02.01.2025