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WP No. 8846 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09-06-2026

CORAM

THE HON'BLE MS. JUSTICE P.T. ASHA

WP No. 8846 of 2026

D.Illango Thilagar
S/o. C. Dhanaraj,
Kanalpadi Village and Post
Somasipadi (Via)
Tiruvannamalai District.

..Petitioner

Vs

Tamil Nadu State Transport
Corporation (Villupuram) Limited,
Vellore Region, Rangapuram,
Vellore. -632 009

..Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondent to fully and faithfully implement the Judgment dated 08.03.2023 passed in W.A. 940 of 2021 by calculating and disbursing to the petitioner all back wages, consequential service benefits and pensionary benefits from 03.11.1998 till 31.03.2022 and all consequential monetary benefits payable to the petitioner and pass orders.

For Petitioner:

Mr.S.Kumaradevan

For Respondent:

Ms.S.Pavithra
Standing Counsel



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ORDER

The writ petition has been filed seeking a mandamus to the respondent to implement the judgment dated 08.03.2023 passed in W.A.No.940 of 2021 and to disburse the back wages, consequential service benefits and pensionary benefits from 03.11.1998 to 31.03.2022.

2. The short facts of the case are as follows :

- (a) The petitioner herein had joined the services of the respondent-Transport Corporation on 03.11.1998 as daily wage conductor. Alleging unauthorised absence to duty from 07.07.2001 to 22.07.2001, a charge memo was issued to him. During enquiry, the charges were proved against him, and dismissed the petitioner from service.
- (b) The Transport Corporation filed an Approval Petition in A.P.No.311 of 2003 before the Joint Commissioner of Labour, which came to be dismissed on 12.02.2005. Challenging the said order, the Transport Corporation filed W.P.No.35332 of 2006 and the learned Single Judge of this Court, allowed the writ petition vide order dated 08.11.2019.



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(c) This order was challenged by the petitioner in W.A.No.940 of 2021 and the Division Bench of this Court by judgment dated 08.03.2023, set aside the order in W.P.No.35332 of 2006 and restored the order of the Labour Court. The Division Bench directed the respondent to calculate and disburse the back wages to the petitioner from the date of dismissal till the date of his superannuation after adjusting the amounts already paid, within a period of three months. In order to put an end to the prolonged litigation, the petitioner had agreed to receive 50% of the backwages and had filed an affidavit to that effect.

(d) However the respondent-Corporation failed to comply with the order of the Division Bench order, which had triggered the petitioner to file contempt petition in Cont.P.No.136 of 2024. When the contempt petition was taken up for hearing, the learned Government Advocate assures that the directions of the Division Bench to settle the amounts to the petitioner will be done within four weeks and a memo of compliance was filed, which also states that if the petitioner is aggrieved with the calculations of the respondent-Corporation, it is open to the petitioner to challenge the same. Recording the said statement of the respondent-Corporation, the contempt petition was closed.



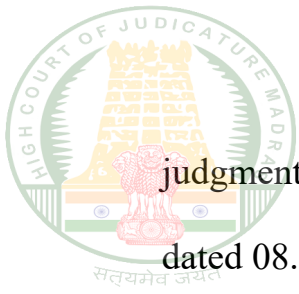
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(e) According to the petitioner, the amount settled by the Transport-Corporation was grossly inadequate. Therefore, the petitioner had submitted his representation on 09.10.2025 under Right to Information Act. Since no reply was furnished by the respondent within the statutory period prescribed, the petitioner filed a first appeal under Section 19(1) of the RTI Act and subsequently filed a second appeal under Section 19(3) of the RTI Act. The grievance of the petitioner is that despite the appeals being preferred by him, the respondent had failed to furnish the complete information and had not paid the full lawful dues to him. Hence, the petitioner is before this Court seeking a mandamus to the respondent to implement the orders of this Court in W.A.No.940 of 2021 and pay the back wages and other benefits from 03.11.1998 to 31.03.2022.

3. Heard the learned counsel on either side and also perused the materials placed on record.

4. Despite compliance of the orders of this Court in W.A.No.940 of 2021 having been recorded in Contempt Petition No.136 of 2024 and the same has been closed, the petitioner has once again come forward with the present writ petition seeking to implement the judgment in W.A.No.940 of 2021. In the



judgment in W.A.No.940 of 2021, the Division Bench of this Court by order dated 08.03.2023, had passed the following order :

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“9. Since the Workman has filed an affidavit dated 07.02.2023 giving up 50% of the back wages, the 1st Respondent/Employer is directed to workout the entire wages due to the employee as if no dismissal order exists in the eye of law as per the Industrial Disputes Act, 1947 and adjust the amount if any already paid, pursuant to the interim order of this Court dated 23.12.2008 passed in M.P.No.1 of 2006 in W.P.No.35332 of 2006 and the said order is extracted below:-

“There shall be an order of interim injunction on condition that the petitioner pays 50% of the amount due to the second respondent towards back wages and also pays the 1st drawn salary to the petitioner from the date of filing of the writ petition, failing which the interim injunction granted shall stand vacated automatically vacated without any further reference. The balance of 50% of the amount shall be deposited in any nationalised bank for a period of three years and shall be renewed periodically and the first respondent is entitled to receive the interest once in three months.

10. It is made clear that the employer can deduct the employee-s share of the EPF contribution from the said 50%, thereby enabling the employee to get the pensionary benefits on and from the date of retirement. The employer is directed to remit the amount and pay the balance of back wages after adjusting the EPF dues payable to the EPF



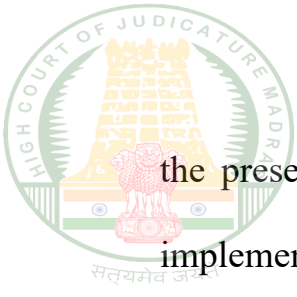
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Trust insofar as the employee-s contribution is concerned within a period of three months failing which, the contribution will attract statutory interest which shall be payable by the Corporation and the interest portion payable can be recovered from the officers concerned, who are liable to pay the amount.

11. Pursuant to the orders passed in the Writ Petition, 50% of the amount has been withdrawn by the Management. Hence, it is the duty of the Management to rework the calculation and pay the amount directed supra, within a period of three months from the date of receipt of a copy of this order.”

5. Complaining non-compliance of the orders passed in W.A.No.940 of 2021, the Contempt Petition No.136 of 2024 was filed before this Court. On 01.07.2024, recording the memo of calculation filed by the respondent, this contempt petition was closed. The Bench had also observed that if there was a mistake or error in working, it would be open to the petitioner to challenge the same. However, there has been no challenge to the calculation. On the contrary, the petitioner has once again come forward with this writ petition seeking a direction to the respondent to implement the order passed in W.A.No.940 of 2021. Considering the fact that the compliance of the order in W.A.No.940 of 2021 has been reported and recorded in Contempt Petition No.136 of 2024 and the said contempt petition has been closed on 01.07.2024,



the present writ petition filed seeking to direct the respondent once again to implement the order in W.A.No.940 of 202, is not maintainable and the same is dismissed accordingly. No costs.

09-06-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
DS

To:

Tamil Nadu State Transport
Corporation (Villupuram) Limited,
Vellore Region, Rangapuram,
Vellore. -632 009



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P.T.ASHA, J.

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