

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 03.11.2020

Coram

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P. No.6855 of 2013

V.Balasubramaniam

..Petitioner

-vs-

1. Tamil Nadu State Express Transport Corporation represented by its Managing Director,
Pallavan Salai,
Chennai - 600 002.

2. Government of Tamil Nadu, rep. by its Secretary,
Transport Department
Fort St. George, Chennai - 600 009.

..Respondents

Prayer : Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents herein to pay to the petitioner the balance arrears amount of Rs.7,03,606/- representing the balance arrears due to the petitioner with reference to pay and allowances drawn by the petitioner on the date of discharge namely 06.12.2004 till date of joining of the duty on offer of alternative employment namely 27.09.2011 with interest at the rate of 12% per annum.

For Petitioner : Mr.S.Sadasharam

For Respondents : Mr.S.Thangavel,
Spl. Govt. Pleader

ORDER

(This case has been heard through video conference)

This writ petition has been filed for a direction to the respondents to make payment of balance amount due to the petitioner.

2. The case of the petitioner is that he was appointed as Driver in the first respondent Corporation and based on the disability certificate dated 10.11.2003, he was removed from service. Challenging the aforesaid action of the respondents,

he filed the writ petition, which was allowed by this Court on 15.3.2011, directing the 1st respondent to confer all benefits including monetary benefits due to him from the date of discharge and to provide some other post in the same time scale of pay. Disobedience of the said order lead to the filing of contempt petition, which was closed on the basis of the Resolution passed by 1st respondent Board. However, even thereafter, the order having not been complied with, resulted in the filing of another contempt petition. Thereafter, the 1st respondent made a payment of Rs.6,24,192/- towards arrears as well as provided alternative employment to the petitioner. In the above backdrop, the petitioner claims that though the total amount payable works out to Rs.13,27,798/- and after deducting the payment made in a sum of Rs.6,24,192/-, the balance sum having not been paid inspite of sending legal notice dated 6.9.12, the present petition has been filed claiming the balance sum of Rs.7,03,606/-.

3. Learned counsel appearing for the petitioner submitted that the respondents failed to produce any proper calculation based on which the amount was arrived at, which was paid to the petitioner from the date of discharge till settlement and providing alternative employment. As such, he prays for issuance of a direction to the respondents to consider the representation of the petitioner along with the calculation submitted by him and work out the correct amount and pay the same to the petitioner within a time frame to be fixed by this Court.

4. Learned Special Government Pleader appearing for the respondents has no objection to such a direction being issued.

5. Considering the fair stand taken by the learned counsel on either side, this Court, without going into the merits of the contentions raised in the writ petition, directs the petitioner to submit a fresh representation along with the calculation on which he claims the amount to the respondents, within a period of two weeks from the date of receipt of a copy of this order and on receipt of the said representation along with the annexed documents, the respondents are directed to rework amount payable to the petitioner based on the calculation provided by the petitioner and finalise the payment that is due and payable to the petitioner and pass appropriate orders on the representation made by the petitioner on merits and in accordance with law, within a period of twelve weeks thereafter.

6. The writ petition stands disposed of with the aforesaid directions. No costs.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

1. The Managing Director,
Tamil Nadu State Express Transport
Corporation,
Pallavan Salai,
Chennai - 600 002.

2. The Secretary,
Government of Tamil Nadu,
Transport Department
Fort St. George,
Chennai - 600 009.

+1 CC to Mr.K. Kathiresan, Advocate sr 35700.

+1 CC to The Government Pleader sr 35653.

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UM(CO)
SP(10/12/2020)



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