

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.02.2021

CORAM

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.2612 of 2021

Ramakrishnan

... Petitioner

-vs-

1.The Managing Director,  
Metropolitan Transport Corporation (Chennai) Ltd.,  
Anna Salai, Chennai-600 002.

2.The Administrator,  
Tamil Nadu State Transport Corporation,  
Pension Fund Trust, Thiruvalluvar House,  
Pallavan Salai, Chennai-600 002.

... Respondents

Prayer: Petition is filed under Article 226 of Constitution of India to issue a Writ of Mandamus, directing the respondents to consider the representation dated 06.03.2020 and pass order relating (a) to the calculation Gratuity, Earn Leave Surrender Salary, Pension for the date of Joining in service on 10/01/1986 (b) to pay the arrears of Superintendent salary from 22/12/2015 to 31/12/2016 (c) to pay the pension arrears from 01/10/2017 to 31/10/2019 (d) and to pay difference in gratuity and leave surrender salary Amount.

For Petitioner : Mr.D.Veerasekaran  
For Respondents : Mr.M.Elumalai  
Addl. Govt. Pleader

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O R D E R

The petitioner has filed this writ petition, seeking a direction to the respondents to consider the representation dated 06.03.2020 and pass orders on the same in respect of calculation Gratuity, Earn Leave Surrender Salary, Pension for the date of Joining in service on 10.01.1986, payment of arrears of Superintendent salary from 22.12.2015 to 31.12.2016, payment of pension arrears from 01.10.2017 to 31.10.2019 and also payment of difference in gratuity and leave surrender salary Amount.

2. Mr.M.Elumalai, learned Additional Government Pleader takes notice for the Respondents. By consent on either side, the Writ Petition itself is taken up for final disposal at the admission stage itself.

3. According to the petitioner, he was appointed as Punch Card Operator and after several promotions, at last served as Superintendent as per the proceedings of the 1<sup>st</sup> respondent dated 22.12.2015. It is the case of the petitioner that the petitioner attained the age of superannuation on 30.06.2017 and since the respondents omitted the service period between 10.01.1986 and 01.02.1990 for calculation of pension, he has been receiving lesser pension. Hence, he made a representation to the respondents on 06.03.2020 for revision of pension and disbursement of his unsettled dues. Since the said representation did not evoke any response, he is before this Court.

4. Learned Additional Government Pleader appearing for the Respondents contended that if a reasonable time is granted to the respondents, the representation of the petitioner will be considered and suitable orders be passed on the same.

5. Considering the facts and circumstances of the case and taking into account the fact that the petitioner's representation is already pending with the respondents, the Writ Petition is disposed of with the following directions:

i) A direction is issued to the respondents herein to consider the representation of the petitioner dated 06.03.2020, if not already disposed of, and pass appropriate orders thereon, in accordance with law, after affording an opportunity of hearing to the petitioner and other persons, if any, who are likely to be affected, as expeditiously as possible, preferably within a period of three months from the date of receipt of a copy of this order;

ii) In case the petitioner is unable to appear for personal hearing either physically or virtually, the petitioner is entitled to send a written submission within a period of one month from the date of receipt of a copy of this order through registered post or speed post and the same shall be treated as personal hearing. It is made clear that the petitioner can avail the opportunity of either personal hearing or filing written submission and not both;

iii) In case the petitioner fails to appear or file a written submission in time, the respondents shall pass orders based on the available records and the petitioner, cannot at a

later point of time take a stand that opportunity of being heard is not given to the petitioner;

iv) The petitioner shall furnish Mobile Number, email ID, if any, etc., along with a copy of the representation dated 06.03.2020 and this order, to the respondents forthwith;

v) The respondents are directed to communicate the decision taken on the representation, to the petitioner within a period of three weeks from the date of decision taken thereon, by way of SMS/Email/registered post/speed post, so that there is no need for the petitioner to file contempt after expiry of the specified period. In case the authorities concerned fail to send communication to the petitioner, they will have to face the civil imprisonment in case of contempt proceedings. If they are unable to serve the order and the cover being returned un-served for one reason or the other, the same shall be kept in the file without opening it for the proof of delivery, so that the petitioner, later on, will not take a plea that the petitioner is not aware of the order. No costs.

Sd/-  
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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+1 cc to Mr.D.Veerasekaran,Advocate Sr No.7135

RLD(CO)  
RG.26.04.2021(3p/4c)

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