

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.02.2021

CORAM :

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.1982 of 2021

1. R.Yogeshwaram Pillai
 2. V.Chokkalingam
 3. N.Chandrasekaran
- ... Petitioners

Vs.

1. The Government of Tamil Nadu,
represented by its
Secretary to Government,
Transport Department,
Secretariat, Chennai 600 009.
 2. The Managing Director,
Tamil Nadu State Transport Corporation Ltd.,
Salem, Salem Division,
No.12, Ramakrishna Road,
Post Box No.713, Salem-636 007.
 3. The General Manager,
Tamil Nadu Transport Corporation Ltd.,
Salem, Salem Division,
No.12, Ramakrishna Road,
Post Box No.713, Salem-636 007.
- Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of Mandamus, directing the Respondents to settle the Petitioner's benefit of enhancement of Earned Leave surrendered by him before the 3rd Respondent from the year 2010 to 31.05.2018, the date of retirement of the Petitioner with interest at 18% as per the 1998 Wage Settlement Effect under Section 12(3) of the Industrial Disputes Act, 1947.

For Petitioners: Mr.N.Sudhagar Nagaraj

For Respondents: Mr.P.Karthikeyan,
Additional Government Pleader

O R D E R

Petitioners have come up with this Writ Petition seeking a direction to the Respondents to settle the benefit of enhancement of Earned Leave surrendered by them before the 3rd Respondent with interest at 18% as per the 1998 Wage Settlement Effect under Section 12(3) of the Industrial Disputes Act, 1947.

2. Mr.P.Karthikeyan, learned Additional Government Pleader takes notice for the Respondents. By consent of the learned counsel on either side, this matter is taken up for final disposal.

3. Petitioners herein made a common representation to the Respondents on 18.11.2020 to settle the benefit of enhancement of Earned Leave surrendered by them. As no action is forthcoming, they have approached this Court with the above relief.

4. In view of the limited prayer sought for by the Petitioners, if the representation made by the Petitioners is still pending and not disposed of, Respondents herein are directed to consider the representation dated 18.11.2020 made by the Petitioners and pass appropriate orders in accordance with law, after affording an opportunity of hearing to all parties concerned, preferably within a period of sixty days from the date of receipt of a copy of this order.

5. Petitioners shall furnish their phone number, email ID, if any, etc., along with a copy of the representation dated 18.11.2020 and a copy of this order, to the Respondents forthwith. Respondents are directed to communicate the decision taken on the said representation to the Petitioners herein 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 parties to file contempt after expiry of the specified period. In case, the authorities concerned fail to send communication to the parties, they will have to face civil imprisonment in case of contempt proceedings and, if they are unable to serve the order and the cover being returned unserved for one reason or the other, the same shall be kept in the file without opening it for the sake of proof of delivery, so that the parties, at a later point of time, will not take a plea that he/she is not aware of the order of this Court.

With the above direction, this Writ petition is disposed of. No costs. Consequently, connected W.M.P.No.2244 of 2021 is closed.

Sd/-
Assistant Registrar (CCC)

//True Copy//

Sub Assistant Registrar

(aeb)

To:

- 1.The Secretary,
Government of Tamil Nadu,
Transport Department,
Secretariat, Chennai 600 009.
- 2.The Managing Director,
Tamil Nadu State Transport Corporation Ltd.,
Salem, Salem Division,
No.12, Ramakrishna Road,
Post Box No.713, Salem.
- 3.The General Manager,
Tamil Nadu State Transport Corporation (Salem) Ltd.,
No.12, Ramakrishna Road,
Post Box No.713, Salem.

+1cc to Mr.Sudhagar Nagaraj, Advocate SR.5397

W.P.No.1982 of 2021

MG (CO)
CB(08/03/2021)

सत्यमेव जयते

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