

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.03.2021

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.4749 of 2021

T.Selvaraj

... Petitioner

-vs-

State Express Transport Corporation,
rep. by its Managing Director,
No.2, Pallavan Salai,
Chennai-600 002.

... Respondent

Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondent to settle a sum of Rs.1,00,507/- towards withholding of increment, Rs.37,951/- towards gratuity and Rs.11,111/- towards leave salary and a sum of Rs.56,336/- towards reduction of pension for 56 months and altogether comes to Rs.2,05,905/- with 6% interest by considering the representation of the petitioner dated 20.10.2020.

For Petitioner : Mr.D.Soundar Raj

For Respondent : Mr.K.Kathiresan

ORDER

This Writ petition is filed, seeking a direction to the respondent to settle a sum of Rs.1,00,507/- towards withholding of increment, Rs.37,951/- towards gratuity and Rs.11,111/- towards leave salary and a sum of Rs.56,336/- towards reduction of pension for 56 months and altogether comes to Rs.2,05,905/- with 6% interest by considering the representation of the petitioner dated 20.10.2020.

2.Mr.K.Kathiresan, learned counsel takes notice for the respondent. By consent, final orders are passed in the Writ Petition at the admission stage.

3. It is the case of the petitioner that he was appointed as Driver on 14.10.1985 in the respondent Corporation and retired from service on 31.05.2016 on attaining the age of superannuation. On 15.03.2011, while he was in service, the bus

driven by the petitioner met with an accident near Palladam by which one mentally retarded lady got injured and died in hospital. Hence, a disciplinary action was taken against the petitioner and punishment of postponement of two increments with cumulative effect was imposed by the respondent. Therefore, the petitioner preferred a writ petition in W.P. (MD) No.19293 of 2013 before the Madurai Bench of Madras High Court and the same was allowed by an order dated 07.09.2020, by quashing the charge memo dated 15.03.2011. Therefore, the petitioner made a representation dated 20.10.2020 to refund the amount recovered from him. As there was no response on the representation, the petitioner is before this Court.

4. In view of the limited prayer sought for by the petitioner, if the Petitioner's representation is already pending with the authorities concerned and, not disposed of earlier, this Court directs the respondent to consider the representation of the petitioner dated 20.10.2020 and pass appropriate orders, in accordance with law, after affording an opportunity of hearing to the petitioner, as expeditiously as possible, preferably within a period of four months from the date of receipt of a copy of this order. The petitioner shall appear for personal hearing on the specified date fixed by the respondent either physically or virtually or he shall send a written submission through registered or speed post, which can be treated as a personal hearing. In case the petitioner fails either to appear in-person or submit his written submission, there is no bar for the respondent to pass orders on the mercy petition based on the available documents before him and the petitioner, at a later point of time, cannot take a plea that opportunity of hearing was not afforded.

5. The petitioner shall furnish his phone number, email ID, if any, etc., along with a copy of the representation dated 20.10.2020 and this order, to the respondent forthwith. The respondent is directed to communicate the decision taken on the application, 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 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 the civil imprisonment in case of contempt proceedings and, 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 attempt of delivery, so that the parties, at a later point of time, will not take a plea that he is not aware of the order.

6. With the above direction, this writ petition is disposed of. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

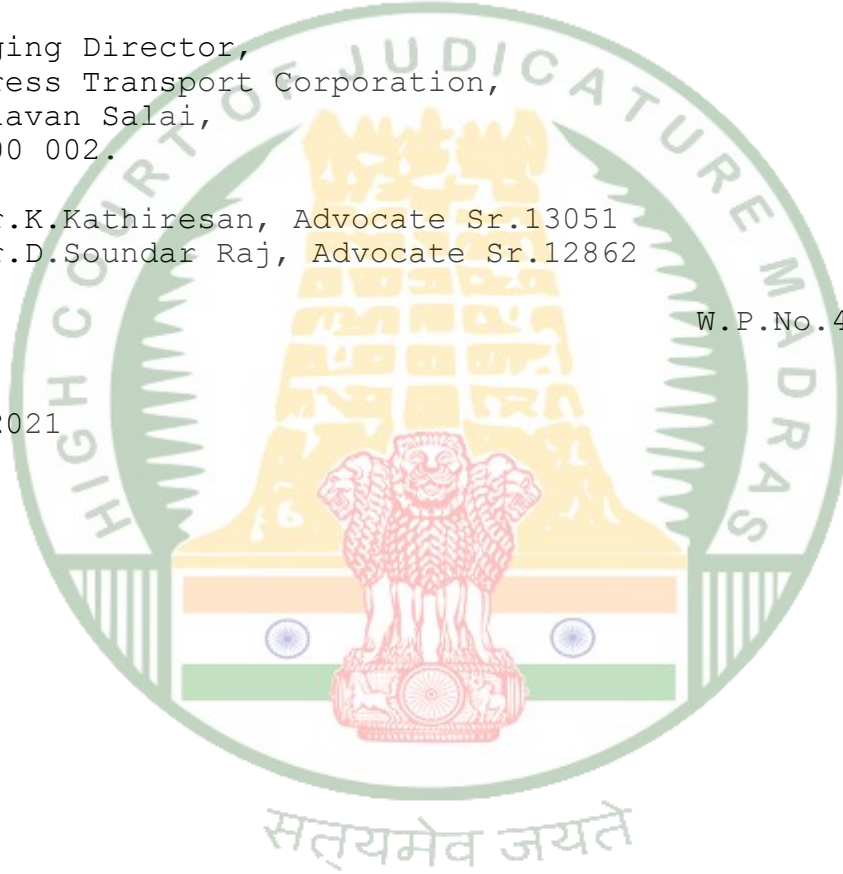
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To
The Managing Director,
State Express Transport Corporation,
No.2, Pallavan Salai,
Chennai-600 002.

+1cc to Mr.K.Kathiresan, Advocate Sr.13051
+1cc to Mr.D.Soundar Raj, Advocate Sr.12862

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PMK (CO)
NR 20/04/2021



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