

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 23.02.2021

CORAM

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.3961 of 2021
(Heard through VC)

P.Annadurai

.. Petitioner

-vs-

1. The Managing Director,
Tamilnadu State Transport Corporation Ltd.,
Villupuram Zone,
Vazhudhareddy, Salamedu Post,
Villupuram - 605 401.
2. The General Manager,
Tamilnadu State Transport Corporation Ltd.,
Villupuram Zone,
Vazhudhareddy, Salamedu Post,
Villupuram - 605 401.
3. The Administrator,
Tamilnadu State Transport Corporation Ltd.,
Headquarters - Pension House,
Thiruvalluvar House,
Pallavansalai,
Chennai - 600 002.

.. Respondents

Prayer: Petition filed under Article 226 of Constitution of India to issue a Writ of Mandamus directing the respondents to consider the representation of the petitioner dated 18.09.2020.

For Petitioner : Mr.P.Krishnamurthy

For Respondents : Mr.C.S.K.Sathish

O R D E R

The petitioner has come up with this writ petition seeking a direction to the respondents to consider the representation of the petitioner dated 18.09.2020.

2. Mr.C.S.K.Sathish, learned counsel takes notice on behalf of the respondents.

3. By consent of both parties, the writ petition is taken up for final disposal at the admission stage itself.

4. According to the petitioner, he joined duty as Junior Assistant on 02.01.1990 under the handicapped quota in the first respondent-Corporation. Thereafter, he was promoted as Senior Assistant to the department of Revenue Audit and retired from service on 30.04.2020. The grievance of the petitioner is that the first respondent has not paid the retirement benefits and all other attendant benefits to the petitioner till date. The petitioner has made several representations to the first respondent and the first respondent had paid only 75% of his actual pension amount and moreover they have not paid the said pension for the months of May and June, 2020. It is informed by the first respondent that the Provident Fund has been finalised only for the persons, who were retired from service during February, 2020. It is also informed that due to Covid-19 pandemic situation, the first respondent has not at all allocated funds for the retired persons, who were all retired during March and April, 2020. In order to claim the amount, which is available in his PF and EPF account, the petitioner has sent a representation dated 18.09.2020 to the respondents. But, till date, there is no reply from the respondents. Hence, the present writ petition has been filed.

5. Considering the facts and circumstances of the case, as the petitioner's representation is already pending with the authority concerned, this Court directs the respondents herein to consider the petitioner's representation dated 18.09.2020, if not already considered and pass appropriate orders thereon, in accordance with law, after affording an opportunity of hearing to the petitioner, as expeditiously as possible, preferably within a period of ninety (90) days 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 respondents 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 respondents to pass orders on the petitioner's

representation 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.

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

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

rsi

To

- 1.The Managing Director,
Tamilnadu State Transport Corporation Ltd.,
Villupuram Zone,
Vazhudhareddy, Salamedu Post,
Villupuram - 605 401.
- 2.The General Manager,
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Villupuram Zone,
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- 3.The Administrator,
Tamilnadu State Transport Corporation Ltd.,
Headquarters - Pension House,
Thiruvalluvar House,
Pallavansalai,
Chennai - 600 002.

+1cc to Mr.P.Krishnamoorthy, Advocate, sr no.10911
+1cc to Mr.C.S.K.Sathish, Advocate, sr no.11681

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PVS (CO)
RMP (30/03/2021)

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