



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.03.2021

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.Nos.5260 and 5263 of 2021

G.Murugesan ... Petitioner in W.P.No.5260 of 2021
S.Vijayakumar ... Petitioner in W.P.No.5263 of 2021

-vs-

1. The Managing Director,
Tamilnadu State Transport Corporation,
(Villupuram) Limited,
3/137, Salamedu, Valudha Reddy Post,
Villupuram - 605 602.
2. The Administrator,
Tamilnadu Stage Transport Corporations,
Employees pension Fund Trust,
Thiruvalluvar Illam, Pallavan Salai,
Chennai 600 002. ... Respondents in both W.Ps

Common Prayer: Writ Petitions filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondents to pay the petitioners a sums of Rs.17,77,493.00 and Rs.16,39,668.00 respectively towards, difference in Leave Salary, difference in Gratuity and difference in commutation arrears with interest as shown in paragraph 16 of the the petitioners' affidavit.

For Petitioner in both W.Ps : Mr.T.Karkivelan

For Respondents in both W.Ps : Mr.C.S.K.Sathish

COMMON ORDER

This Writ petitions are filed, seeking a direction to the respondents to pay the petitioners, sums of Rs.17,77,493.00 and Rs.16,39,668.00 respectively towards, difference in Leave Salary, difference in Gratuity and difference in commutation arrears with interest as shown in paragraph 16 of the the petitioners' affidavits.

2.Mr.C.S.K.Sathish, learned counsel takes notice for the respondents. By consent, this Writ Petitions are taken up for



final disposal at the admission stage.

3. According to the petitioners, the respondents have not settled the revised service / terminal benefits such as difference in leave salary and difference in gratuity as per the 7th pay recommendations. Hence, the petitioners have filed the present Writ Petitions with the aforesaid reliefs. However, the learned counsel for the petitioners submitted that it would suffice if the representation made by the petitioners dated 07.12.2020 is directed to be considered by the respondents.

4. This Court is totally unhappy with the wordings by which the prayers have been drafted. Neither this Court nor the office is not in a position to refer the paragraph of the affidavit stated in the prayer portion. The conduct of the advocate in drafting the prayer is highly deprecated. However, Considering the facts and circumstances of the case and taking into account the fact that the petitioners' representation is already pending with the respondents, the Writ Petitions are disposed of with the following directions:

i) A direction is issued to the respondents herein to consider the representation preferred by the petitioners dated 07.12.2020, if not already disposed of, and pass appropriate orders thereon, in accordance with law, after affording an opportunity of hearing to the petitioners and other persons, if any, who are likely to be affected, as expeditiously as possible, preferably within a period of 60 days from the date of receipt of a copy of this order;

ii) In case the petitioners are unable to appear for personal hearing, the petitioners are 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 petitioners can avail the opportunity of either personal hearing or filing written submission and not both;

iii) In case the petitioners fail 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 petitioners;

iv) The petitioners shall furnish Mobile Number, email ID, if any, etc., along with a copy of the representations dated 07.12.2020 and this order, to the respondents forthwith;

v) The respondents are directed to communicate the decision taken on the representation, to the petitioners 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 petitioners 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 VII)

//True Copy//

Sub Assistant Registrar

vum

To

1. The Managing Director,
Tamilnadu State Transport Corporation,
(Villupuram) Limited,
3/137, Salamedu, Valudha Reddy Post,
Villupuram - 605 602.
2. The Administrator,
Tamilnadu Stage Transport Corporations,
Employees pension Fund Trust,
Thiruvalluvar Illam, Pallavan Salai,
Chennai 600 002.

+2cc to M/s.ST.Varadarajulu, Advocate SR.14336

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PL(CO)
CB(09/04/2021)