

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Special Original Jurisdiction)

Friday, the Thirtieth day of April Two Thousand Twenty One

PRESENT

THE HON`BLE MR JUSTICE R.SURESH KUMAR

W.M.P.No.10645 of 2021 in W.P.No.19920 of 2020

W.M.P.No.10648 of 2021 in W.P.No.19928 of 2020

W.M.P.No.10652 of 2021 in W.P.No.20145 of 2020

W.M.P.No.10656 of 2021 in W.P.No.20148 of 2020

W.M.P.No.10658 of 2021 in W.P.No.20176 of 2020

W.M.P.No.10661 of 2021 in W.P.No.20179 of 2020

1 V.T.KULOTHUNGAN ... PETITIONER in WMP No.10645 of 2021

2 G.RATHINAM

3 S. ELUMALAI

4 R. SIGAMANI

5 S. LOGANATHAN

6 M. KALIYAMURTHY

7 K.ELAMANDA

8 M. RAJAMANICKAM

9 JAYALAKSHMI RADHAKRISHNAN

10 R.RAMAIYAN

11 K. NAGARAJAN

12 A. ANNADURAI

13 P.RAJENDRAN

14 K. EKAMBRAM

15 T.DASARATHAN

16 K.P. RAMANKUTTY

17 S.R. VISWANATHAN

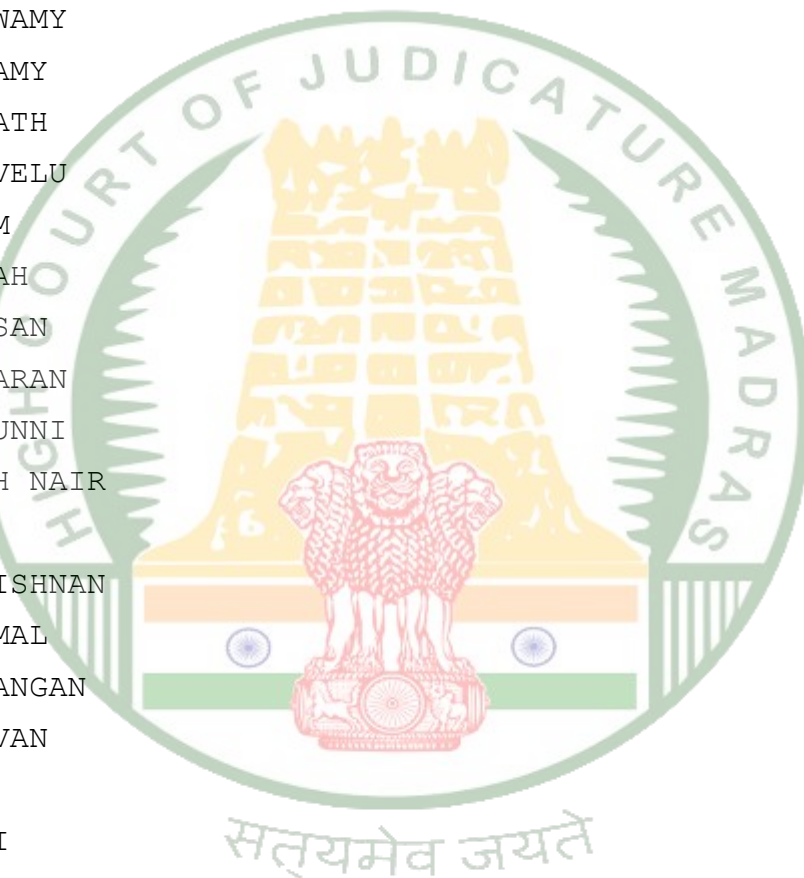
18 P. KANNAN

19 K. CHANDRAN

20 T.KALAMIMANI

21 F.JAYADAS FERNANDO

22 N.V. PURUSHOTHAMAN
23 M.S. DHANASEKARAN
24 M. ITTIKKAN
25 M. PANDI
26 N. KRISHNASWAMY
27 P.K. RAMAKRISHNAN
28 K.K. GOPI
29 J. SEBASTIAN
30 A. KANDASWAMY
31 M. RAMASWAMY
32 K.N. SAMPATH
33 S. THANGAVELU
34 R. WILLIAM
35 N. VENKAIAH
36 J. MURUGESAN
37 O. SREEDHARAN
38 P.P. KUNHUNNI
39 V.GOPINATH NAIR
40 G. KUPPAN
41 S. RAMAKRISHNAN
42 V. LEELAMMAL
43 C. PANDURANGAN
44 B. ADIKESVAN
45 L.GOWRI
46 THANGAVALI
47 MUNUSAMY
48 MURUGAN
49 I J JOSEPH
50 NAYAZ HUSSAIN
51 TG. PUTTAPPAN
52 M.SUNDRANARYAN
53 A.R. RAVICHANDRAN
54 D.R. THIMMA GOWDA
55 P.V. KOPPAN
56 M. BHASKARAN



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1 J.SUNDARA MURTHY

... PETITIONER in WMP No.10648 of 2021

2 DHANALASKHMI

3 DAKSHAYANI

4 MUNEESWARI

5 SELVI

6 MEEROON

7 M.CHANDRA

8 SARASWATHI

9 J.RANI

10 A.SHEELA

11 JAYANTHI

12 RUKMANI

13 INDRA

14 SUSHANTA

15 SUNDARAMMAL

16 PUSHPARANI

17 SIVA

18 NIRMALA

19 MARYSTELLA

20 VARALAKSHMI

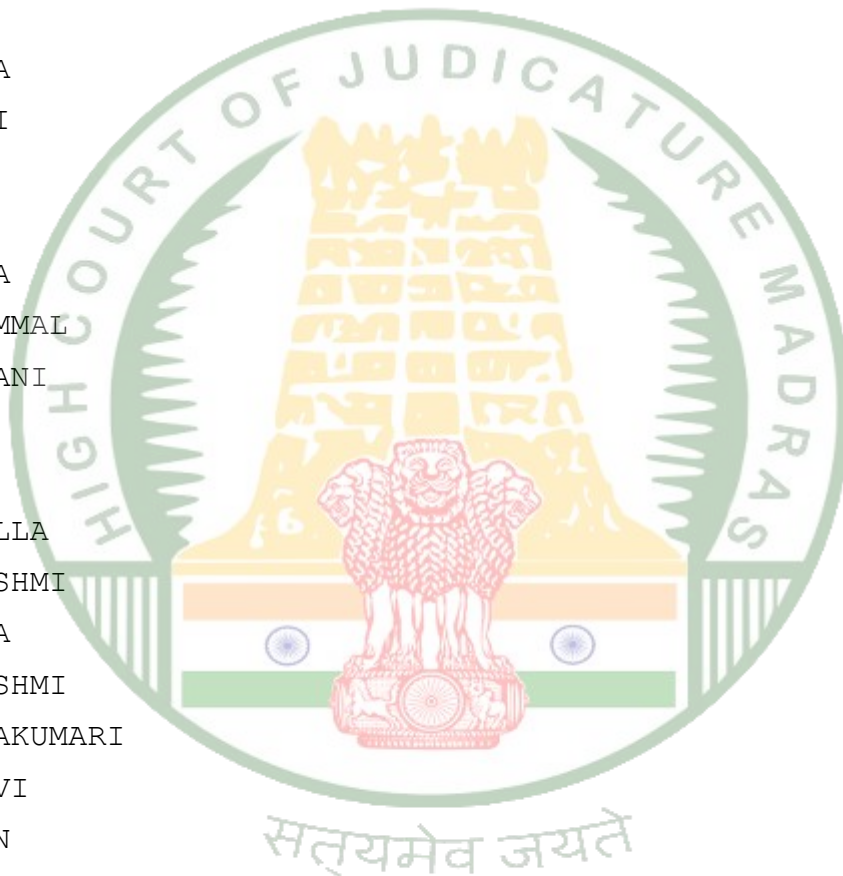
21 SASIKALA

22 GAJALAKSHMI

23 VASANTHAKUMARI

24 PAUL RAVI

25 P.KANNAN



1 GHOUSE BASHA

... PETITIONER in WMP No.10652 of 2021

2 P.RATHINAM

3 R.MANAVALAN

4 M.SUNDARAJAN

5 K.GIRIJA

6 M.LOGANATHAN

7 K.CHANDRASEKARAN

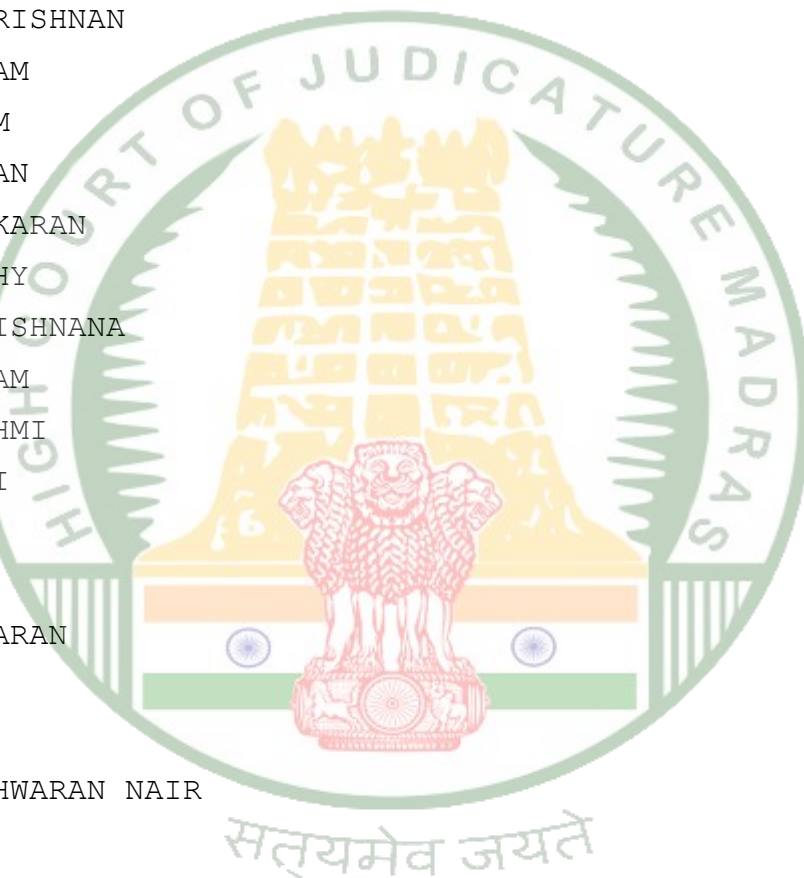
8 D.H.THIMMA GOWDA

9 M.BHASKARAN

10 B.P.THOMPSON

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11 S.KAMATCHI
12 J.RAJAGOPAL
13 G.SHANMUGAM
14 M.DHAYALAN
15 A.PALANIVELU
16 P.JAYALAKSHMI
17 T.K.DHIVAKARAN
18 M.N.K.DEVI MENON
19 K.M.RAMAKRISHNAN
20 K.EKAMBARAM
21 G.RATHINAM
22 K.NAGARAJAN
23 B.DHANASEKARAN
24 E.SABAPATHY
25 K.MUTHUKRISHNANA
26 A.SHANMUGAM
27 A.ADILAKSHMI
28 P.K.THAMPI
29 H.SRIMALU
30 S.PALANI
31 K.KIRUPAKARAN
32 K.JOHN
33 M.KAMALA
34 V.PARAMESHWARAN NAIR
35 INDRANI
36 R.LAKSHMIKANTHAN
37 S.NAJJA
38 C.CHANDRASEKARAN



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1 S.HARIKRISHNAN ... PETITIONER in WMP No.10656 of 2021

2 S.SAMUNDEESWARI
3 M.RAJAN
4 JAYALAKSHMI
5 NEDUNCHEZHIAN
6 SUNDARI
7 BRIAN LONGFORD

9 VELUSWAMY
10 SRIDEVI
11 KANNAN
12 P.SURESH
13 INDRANI
14 KRISHNAVENI
15 ANITA ELLIS
16 VIJAYALAKSHMI
17 SATHYA
18 SARA
19 RANJINI
20 RANI
21 M.ANANDHI
22 R.SHAILAJA
23 BHAVANI

K.RAJAN ... PETITIONER in WMP No.10658 of 2021

V.JAYAGOPAL ... PETITIONER in WMP No.10661 of 2021

Vs

1 THE CHARIMAN CUM MANAGING ...1 TO 4 RESPONDENTS IN ALL THE
DIRECTOR, IDPL CORPORATE OFFICE, PETITIONS
OLD DELHI, GURGAON ROAD, DUNDAHERA
GURGAON 122016 HARYANA

2 THE GENERAL MANAGER IDPL
TAMIL NADU DIVISION NANDAMBAKKAM
CHENNAI

3 THE SECRETARY TO GOVERNMENT
STATE, OF TAMILNADU INDUSTRIAL
DEPARTMENT FORT ST GEORGE CHENNAI 9

4 THE SECRETARY TO GOVERNMENT
TRANSPORT DEPARTMENT FORT ST. GEORGE
CHENNAI 9

5 COMMISSIONER OF POLICE [5th RESPONDENT IN WMP.10645,
CHENNAI, EVK SAMPATH ROAD 10652, 10656, 10658, 10661/2021
VEPERY, CHENNAI-7.

Petitions praying that in the circumstances stated therein and
in the respective affidavits filed therewith the High Court will be
pleased to

1 WMP No.10645 of 2021

To extend the time limit for vacating the premises by a period of three months from 29.04.2021.

2 WMP No.10648 of 2021

To extend the time for vacating the premises by a period of three months from 29.04.2021.

3 WMP No.10652 of 2021

To extend the time for vacating the premises by a period of three months from 29.04.2021.

4 WMP No.10656 of 2021

To extend the time for vacating the premises by a period of three months from 29.04.2021.

5 WMP No.10658 of 2021

To extend the time limit for vacating the premises by a period of three months from 29.04.2021.

6 WMP No.10661 of 2021

To extend the time limit for vacating the premises by a period of three months from 29.04.2021.

Order : These petitions coming on for orders upon perusing the petition and the respective affidavits filed in support thereof and upon hearing the arguments of MR.P.WILSON, Senior Counsel appearing for M/S.SRINATH SRIDEVAN, Advocate for the petitioner in each the petitions and of M/S.R.HAJA MOHIDEEN GISTHI, Standing Counsel for the 1 & 2 respondents in all the petitions the court made the following order:-

These miscellaneous petitions have been filed by the erstwhile employees of IDPL seeking extension of time to vacate the quarters, for a period of three months from 29.04.2021.

2. Mr.P.Wilson, learned Senior Counsel appearing for the petitioners in these miscellaneous petitions, has submitted that, due to second wave of COVID-19 pandemic, these petitioners could not move from their present location, i.e., quarters, where they have been in occupation. He relied upon the averments made in the affidavit filed in support of these petitions, where it is stated that, after the orders of this Court dated 02.03.2021, there has been a surge in COVID cases in Chennai. As on 17.04.2021, Chennai alone has reported around 2000 cases and thereafter, persons in the Staff Quarters have been tested positive for COVID-19 and many have symptoms of COVID and therefore, in this situation, they are not in a position to move out of the quarters suddenly. Hence, they seek extension of time, he contended.

3. Heard Mr.Haja Mohideen Gisthi, learned Standing Counsel appearing for IDPL who would submit that, pursuant to the earlier orders passed by this Court, giving time upto 29.04.2021 to these ex-employees to vacate their quarters, undertaking affidavits have been filed by 80 persons, remaining 49 persons have not filed undertaking affidavits, in respect of whom, further orders have been passed by this Court on 07.04.2021 to take coercive steps to vacate them. Out of the 49, only 13 have vacated. Therefore, altogether the remaining 80 + 36 ie., 116 have not yet vacated the quarters.

4. He would also submit that, on 22.04.2021, when IDPL officials went to the quarters with the police force and made a request to them to vacate the premises, they have stated that, Court had given time till 29.04.2021 and therefore, on or before 29.04.2021 they would vacate the premises.

5. On 29.04.2021, again when attempt was made by IDPL officials, they have stated that, they approached the Court, seeking extension of time. Because of this reason, except, 15+13, i.e., 28 people, others could not be vacated or they have not vacated voluntarily, as per the undertaking given before this Court, Therefore, suitable further orders could be passed, he contended.

6. I have considered the said developments taken place and also the submissions made by the learned Senior Counsel appearing for the ex-employees and the learned Standing Counsel appearing for IDPL.

7. In fact, orders were passed by this Court on 02.03.2021, where a set of directions were given by this Court. Though undertaking affidavits have been filed by atleast 80 employees to vacate the premises on or before 29.04.2021, it seems that, they have not taken any steps to move out of the quarters and now they make a claim that, due to COVID-19 surge ie., second wave of COVID-19 pandemic, they are not in a position to move out.

8. Many orders have been passed by this Court and when last such order was passed, it was appealed to this Court on behalf of those ex-employees that, certainly these employees would vacate the premises if some reasonable time is given. That is the reason why this Court wanted undertaking affidavits to be filed before this Court and accordingly 80 of them have filed undertaking affidavits, remaining have not even chosen to file the undertaking affidavit.

9. In this regard, the learned counsel who appeared for these employees has submitted that, despite his best efforts taken, the remaining employees have not come forward to file undertaking affidavits.

10. It is to be noted that, those employees are not under the control of the learned counsel appearing for those employees. However, now these miscellaneous petitions have been filed seeking extension of time.

11. Only in today's hearing, Mr.P.Wilson, learned Senior Counsel appeared for those ex-employees and he has submitted that, there is absolutely no merit in the claim made by the employees, as they should have vacated the premises on or before the last date given by this Court, as per their undertaking given in this regard before this Court.

12. However, the learned Senior Counsel would submit that, due to the sudden surge of COVID-19 second wave of the pandemic, some humanitarian consideration can be shown to these ex-employees and accordingly if some time is given, certainly these employees would vacate the premises and this request, according to the learned Senior Counsel, is made only on humanitarian consideration due to COVID-19 second wave and not on merits or any other reason.

13. No doubt, it is the second wave of COVID-19, due to which normalcy has been considerably affected or paralysed. However, in respect of these employees, strictly speaking, that reason would not be applicable, because, they had been suffered with orders by this Court long back and they should have vacated the premises long back. However, they have filed case after case or petition after petition giving one reason or other and ultimately they have come forward to file undertaking affidavits to vacate the premises / quarters on or before 29.04.2021.

14. In this regard, a further direction was given by this Court, to take the police force to vacate these persons by taking coercive steps and when such attempt was made by IDPL, it was informed by the learned Standing Counsel for the IDPL that, those ex-employees have circulated a message through social media among themselves that they have time till 29.04.2021 to vacate the premises and therefore till such time no action can be taken against them and there may not be any coercive steps.

15. Simultaneously, they have approached this Court by filing these petitions.

16. These series of actions from both sides would go to show that, one way or the other by showing lame excuses, these ex-employees want to stick on with their stand to continue to stay at the quarters and in this regard, it can very well be construed that, in order to flout the orders of this Court, now they take the tool of COVID-19 second wave as a reason.

17. Normally, this Court will show its helping hand on humanitarian grounds to any litigant who knock the doors of this temple of justice. However, such a helping hand shall not come forward to rescue any unscrupulous litigants like these ex-employees.

18. However, even for the worst person, this Court will show its sympathy in case of such person's life is in danger. This COVID-19 second wave is fastly spreading throughout the country including this State and there is an abnormal situation prevailing everywhere. Therefore, taking into account this totality of the situation, especially in the context of surge in COVID-19 pandemic second wave, this Court, though it is considered to be a misplaced sympathy, having no other option, extends such sympathy towards these employees for giving some extension of time to vacate the quarters.

19. Accordingly, this Court is inclined to pass the following order in these miscellaneous petitions :

- a) That these petitioners / ex-employees of IDPL shall vacate the premises, i.e., where they are presently occupying at IDPL Campus at Chennai on or before 30.06.2021.
- b) The IDPL shall take every effort to monitor the periodical vacating of the quarters / premises by each and every ex-employees who are remaining as well as the petitioners in these miscellaneous petitions on or before the time now has been extended and accordingly file a report to that effect before this Court during the next hearing date, for which the main writ petitions can be called on 05.07.2021.
- c) It is made clear that, under no circumstances, any further extension of time shall be given to these ex-employees for vacating the quarters and certainly this Court will not hesitate to pass stringent orders to give direction to the IDPL officials as well as concerned police people to take immediate coercive steps to vacate these employees, if they are not vacated on or before 30.06.2021.
- d) It is further made clear that, in respect of those ex-employees who have not filed these miscellaneous petitions or who are not covered in this batch of orders, i.e., those who have not filed petitions referred to above, this order will not stand in the way for taking further steps to vacate them by IDPL.

20. With the above directions, these miscellaneous petitions are disposed of. List W.M.P.No.10734 of 2021 in W.P.No.32970 of 2003 also for hearing along with the main writ petitions during the next date of hearing ie., on 05.07.2021.

-sd/-

30/04/2021

/ TRUE COPY /

Sub Assistant Registrar (Statistics / C.S.)
High Court, Madras - 600 104.

TO

1 THE CHARIMAN CUM MANAGING DIRECTOR,
IDPL CORPORATE OFFICE, OLD DELHI,
GURGAON ROAD, DUNDAHERA GURGAON 122016
HARYANA

2 THE GENERAL MANAGER IDPL
TAMIL NADU DIVISION NANDAMBAKKAM CHENNAI

3 THE SECRETARY TO GOVERNMENT
STATE, OF TAMILNADU INDUSTRIAL DEPARTMENT
FORT ST GEORGE CHENNAI 9

4 THE SECRETARY TO GOVERNMENT
TRANSPORT DEPARTMENT FORT ST. GEORGE
CHENNAI 9

5 COMMISSIONER OF POLICE
CHENNAI
CC to M/S. SRINATH SRIDEVAN, Advocate SR.No.3076

Order

W.M.P.No.10645 of 2021 in W.P.No.19920 of 2020

W.M.P.No.10648 of 2021 in W.P.No.19928 of 2020

W.M.P.No.10652 of 2021 in W.P.No.20145 of 2020

W.M.P.No.10656 of 2021 in W.P.No.20148 of 2020

W.M.P.No.10658 of 2021 in W.P.No.20176 of 2020

W.M.P.No.10661 of 2021 in W.P.No.20179 of 2020

Date :30/04/2021

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KF(03/03/2021)