



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.07.2021

CORAM

THE HON'BLE MR. JUSTICE S.S.SUNDAR

W.P.No. 10962 of 2021

V.Poongothai

..Petitioner

Versus

1.The Government of Tamil Nadu,
Represented by its Secretary,
Transport Department,
Fort St. George, Chennai - 600 009.

2.Metropolitan Transport Corporation (Chennai) Limited,
Represented by its Managing Director,
'Pallavan Illam', Pallavan Salai,
Chennai - 6000 002.

3.The Joint Managing Director,
Metropolitan Transport Corporation (Chennai) Limited,
'Pallavan Illam', Pallavan Salai,
Chennai - 6000 002.

4.The Branch Manager,
Metropolitan Transport Corporation (Chennai) Limited,
Tambaram Depot,
Chennai - 600 045.

..Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents to consider and act and pass appropriate orders upon the representation sent by the petitioner on 23.01.2021 claiming the benefits and entitlements of Late R.Vadivelu (Staff No.C.13892), the husband of the petitioner and to fix a time frame as deemed fit by this Court for the second respondent to act upon the representation of the petitioner dated 23.01.2021 pending disposal of the writ petition.

For Petitioner : Mr.C.P.Hemkumar

For R1 : Mr.C.Kathiravan
Government Counsel

For RR 2 to 4 : Mr.K.Moorthy



O R D E R

This Writ Petition is filed by the petitioner seeking for issuance of a Writ of Mandamus to direct the respondents to consider, act and pass appropriate orders upon the representation sent by the petitioner on 23.01.2021 claiming the benefits and entitlements of Late R.Vadivelu (Staff No.C.13892), the husband of the petitioner and to fix a time frame as this Court may deem fit for the second respondent to act upon the representation of the petitioner dated 23.01.2021.

2. The petitioner states that her husband late.R.Vadivelu, was employed as a Conductor with effect from 07.11.1989 in the erstwhile Pallavan Transport Corporation Limited, which was renamed as Metropolitan Transport Corporation (Chennai) Limited, the second respondent/Corporation herein.

3. It is further submitted that her husband was assigned to the Metropolitan Transport Corporation Limited, Tambaram depot as Conductor and he was working in the said depot till his death as an employee of second respondent/Corporation. In 2010, her husband had filed W.P.No.17988 of 2010 before this Court as against the second respondent Corporation and the same is pending. Pursuant to the enquiry report, the petitioner came to understand that on 05.08.2011, the second respondent corporation has issued a notice asking for the explanation from her husband as they had decided to impose the punishment of removal from service. She is not aware of the result of the proceedings or about the employment status of her husband. It may be that there were some disputes between her and her husband and she is unable to disclose it on the ground that she was not informed any information about his employment and his status of employment with the second respondent all along during his life time by her husband. It is under these circumstances, the petitioner submitted a representation to the second respondent to settle the monetary benefits on account of the death of her husband. The grievance of the petitioner is that the respondents have not come forward either to give the particulars or informed the petitioner about the real status of her benefits or the benefits, she is entitled to on account of the death of her husband. Therefore, the petitioner has come forward with the present writ petition.

4. The learned counsel for the respondents is unable to get instructions from the 2nd respondent/Corporation and therefore, he is helpless and could not assist this Court with regard to the nature of the claim made in the said representation.



5. Considering the facts narrated in the petition, this Court is inclined to direct the second respondent to dispose of the said representation dated 23.01.2021 and to pass appropriate orders on merits and in accordance with law, after giving an opportunity of hearing to the petitioner or by holding an enquiry, within a period of eight weeks from the date of receipt of a copy of this order and to intimate the same to the petitioner.

6. Accordingly, the Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

msm

To

- 1.The Secretary,
Government of Tamil Nadu,
Transport Department,
Fort St. George, Chennai - 600 009.
- 2.The Managing Director,
Metropolitan Transport Corporation (Chennai) Limited,
'Pallavan Illam', Pallavan Salai,
Chennai - 6000 002.
- 3.The Joint Managing Director,
Metropolitan Transport Corporation (Chennai) Limited,
'Pallavan Illam', Pallavan Salai,
Chennai - 6000 002.
- 4.The Branch Manager,
Metropolitan Transport Corporation (Chennai) Limited,
Tambaram Depot,
Chennai - 600 045.

+1cc to Mr.K.Moorthy, Advocate Sr No.36144

W.P.No. 10962 of 2021

GPL (CO)
PR (15/09/2021)