

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.01.2021

CORAM

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.15285 of 2020

L.Peter Felix

... Petitioner

-vs-

1. The Government of Tamil Nadu,
Rep. by its Secretary to Government,
Transport Department,
Secretariat, Chennai-600 009.
2. The Managing Director,
Tamil Nadu State Transport Corporation (Salem) Ltd.,
Salem Division, No.12, Ramakrishnan Road,
Post Box No.713, Salem-636 007.
3. The General Manager,
Tamil Nadu State Transport Corporation (Salem) Ltd.,
Salem Division, No.12, Ramakrishnan Road,
Post Box No.713, Salem-636 007.
4. The Administrator,
Tamil Nadu State Transport Corporation Employees Pension Fund
Trust,
Thiruvalluvar House, Pallavan Salai,
Chennai-600 002.

... Respondents

Prayer: Petition is filed under Article 226 of Constitution of India to issue a Writ of Mandamus, directing the Respondents 2 to 4 to revise the petitioner's basic salary with all service attendant benefits and arrears of salary, arrears of pension, back wages and all other consequential retiral benefits to the petitioner with reasonable rate of interest.

For Petitioner : Mr.N.Sudhagar Nagaraj
For R1 : Mr.J.Pothiraj
Spl. Govt. Pleader
For R2 & R3 : Mr.D.Raghu
For R4 : Mr.C.S.K.Sathish

O R D E R

The petitioner has filed this writ petition, seeking a direction to the Respondents 2 to 4 to revise the petitioner's basic salary with all service attendant benefits and arrears of salary, arrears of pension, back wages and all other consequential retiral benefits to the petitioner with reasonable rate of interest.

2. Heard the learned counsel on either side and perused the material documents available on record.

3. According to the petitioner, he was appointed on 23.01.1989 and retired on 31.05.2017 and that consequent to an accident caused by the petitioner, he was suspended from duty and the 3rd respondent passed an order, imposing an increment cut for three years, which was subsequently reduced by the 2nd respondent into two years increment cut. In the criminal case registered against the petitioner for the accident against a cyclist, learned Judicial Magistrate, Rasipuram acquitted him from the charges. It is the case of the petitioner that he sent a representation dated 24.09.2020 for settlement of his retiral benefits after revising his salary. Since there was no response on the said representation, he is before this Court.

4. Considering the facts and circumstances of the case and taking into account the fact that the petitioner's representation is already pending with the respondents, the Writ Petition is disposed of with the following directions:

i) A direction is issued to the respondents, more particularly R2 & R3 herein to consider the representation preferred by the petitioner dated 24.09.2020, if not already disposed of, and pass appropriate orders thereon, in accordance with law, after affording an opportunity of hearing to the petitioner and other persons, if any, who are likely to be affected, as expeditiously as possible, preferably within a period of three months from the date of receipt of a copy of this order, if there is no legal impediment.;

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

iii) In case the petitioner fails to appear or file a written submission in time, the respondents 2 and 3 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 petitioner;

iv) The petitioner shall furnish Mobile Number, email ID, if any, etc., along with a copy of the representation dated 05.01.2021 and this order, to the respondents 2 and 3 forthwith;

v) The respondents 2 and 3 are directed to communicate the decision taken on the representation, 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 petitioner 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

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To:

1. The Secretary to Government,
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Transport Department,
Secretariat, Chennai-600 009.
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srg 31/03/2021



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