



WEB COPY



W.P. No. 4131 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.04.2023

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 4131 of 2022

1.K.Haridoss

2.A.Kumaran

(Writ Petition dismissed against
Second Petitioner vide order dated
10.04.2023 in W.M.P. No. 4263 of
2022)

... Petitioners

-VS-

1. The Managing Director
Metropolitan Transport Corporation
(Chennai Division) Ltd., Pallavan
Salai, Anna Salai, Park Town
Chennai 600 002.
2. The General Manager
Metropolitan Transport Corporation
(Chennai Division) Ltd., Pallavan
Salai, Anna Salai, Park Town
Chennai 600 002.
3. The Branch Manager
Thiruvanmiyur Depot (Code-70)
Metropolitan Transport Corporation
(Chennai Division) Ltd., Pallavan House
Anna Salai, Park Town, Chennai 600 002.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India,



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1950, praying to issue a Writ of Mandamus, directing the Respondents (i) to ensure regular allotment of duty to the Petitioners (SPG Conductors) in line with their conditions of service (ii) To Compensate the Loss of Pay accrued from non- allotment of work by the Respondents from the salary / allowances of the 3rd Respondent. (iii) and Further consider the representation dated 03.12.2021 herein with regard to promotion to the post of checking inspector or equivalent cadre in accordance with seniority rules and Practice within the time stipulated prescribed by this Hon'ble Court.

For Petitioner : Mr. K.M.Mrithunjayan

For Respondents : Mr. R.Balaji

ORDER

Heard Mr. K.M.Mrithunjayan, Learned Senior Counsel appearing for the Petitioner and Mr. R.Balaji, Learned Counsel appearing for Respondents and perused the materials placed on record, apart from the pleadings of the parties.

2. The grievance ventilated by the Petitioner is that he had made a representation dated 03.12.2021 to allot regular duty to him and compensate the loss of pay accrued from non-allotment of work by the Respondents from the salary/allowances of the Third Respondent, and to promote him to the post of checking inspector or equivalent cadre in accordance with seniority rules and practice, but as it did not evoke any response, he has filed this Writ Petition.



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3. Having regard to the limited scope of the relief sought in the Writ Petition, this Court without expressing any view on the merits of controversy involved, passes the following order:-

- (i) the concerned authority shall immediately examine the representation dated 03.12.2021 made by the Petitioner including ascertaining as to whether the Petitioner would be entitled for the relief claimed;
- (ii) if it is found that any other details or supporting documents is necessary, the deficiencies in that regard shall be informed in writing to the Petitioner requiring the same to be furnished within a time frame of not less than 15 days for the same;
- (iii) in the event of not being satisfied with the requirements even thereafter, an enquiry shall be conducted affording full opportunity of personal hearing to the Petitioner and all other persons concerned to explain their position in that regard;
- (iv) a reasoned order shall be passed dealing with each of the contentions raised on merits and in accordance with law and the decision taken communicated by 31.08.2023 under written acknowledgment;
- (v) if the Petitioner is found entitled to any monetary benefits, the same shall be paid along with working-sheet showing its calculation within a period of three months from the date of passing of that order; and



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(vi) the report of such compliance shall be filed before the Registrar

WEB COPY (Judicial) of this Court.

In the result, the Writ Petition is disposed on the aforesaid terms.

No costs.

10.04.2023

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kst

Index: Yes/No

Neutral Citation: Yes/No

Note: Issue order copy by 05.06.2023.

To

1. The Managing Director
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Salai, Anna Salai, Park Town
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The Registrar (Judicial),
Madras High Court,
Chennai – 600 104.



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P.D. AUDIKESAVALU, J.

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10.04.2023

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