



W.P. No. 6101 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.04.2023

CORAM

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

W.P. No. 6101 of 2023

N.G. Narasimmalu

... Petitioner

-VS-

1. The Managing Director,
Metropolitan Transport Corporation,
(Chennai) Ltd.,
No.2, Anna Salai, Chennai – 600 002.

2. The Administrator,
Tamil Nadu State Transport Corporation,
Employees Pension Fund Trust,
Pallavan Salai,
Chennai – 600 002.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus to direct the 1st respondent to pay the difference in Gratuity plus interest, along with the amount remitted on 15.03.2018 towards non-implementation of punishment with a direction to return contribution paid from the salary from 30.04.1983 with 15% interest on account of Social Security Scheme-1992 to the petitioner.

For Petitioner : Mr. S.T.Varadarajalu

For Respondents : Mr. R.Balaji



W.P. No. 6101 of 2023

ORDER

WEB COPY Heard Mr. S.T.Varadarajalu, Learned Counsel for the Petitioner and Mr. R.Balaji, Learned Counsel for the Respondents and perused the materials placed on record, apart from the pleadings of the parties.

2. Though the Writ Petition has been filed for the directing the First Respondent to pay the differential amount of gratuity with interest and the amount remitted on 15.03.2018 towards non-implementation of punishment with a direction to return the contribution paid from the salary from 30.04.1983 with interest at the rate of 15% per annum on account of Social Security Scheme, 1992 to the Petitioner, Learned Counsel for the Petitioner submits that the Petitioner would be satisfied, if the representations dated 02.02.2019, 23.05.2019 and 23.12.2022 made by him in that regard is directed to be disposed by the concerned authority within the time limit that may be fixed by the Court.

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 the controversy, passes the following order:-



W.P. No. 6101 of 2023

- (i) the concerned authority shall immediately examine the representations dated 02.02.2019, 23.05.2019 and 23.12.2022 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 to explain his 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
- (vi) the report of such compliance shall be filed before the Registrar (Judicial) of this Court.



W.P. No. 6101 of 2023

In the result, the Writ Petition is disposed on the aforesaid terms. No

costs.

19.04.2023

Sgl

Index: Yes/No

Note: Issue order copy by 06.06.2023.

To

1. The Managing Director,
Metropolitan Transport Corporation,
(Chennai) Ltd.,
No.2, Anna Salai, Chennai – 600 002.

2. The Administrator,
Tamil Nadu State Transport Corporation,
Employees Pension Fund Trust,
Pallavan Salai, Chennai – 600 002.

Copy to

The Registrar (Judicial),
Madras High Court,
Chennai – 600 104.



WEB COPY



W.P. No. 6101 of 2023

P.D. AUDIKESAVALU, J.

Sgl

W.P. No. 6101 of 2023

19.04.2023