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W.P.No.8478 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.03.2023

CORAM

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

W.P. No. 8478 of 2023

A.Mohammed Tajudeen

... Petitioner

-VS-

M/s.State Express Transport Corporation,
Rep. By its Managing Director,
No.2, Pallavan Salai,
Chennai – 600 002.

... Respondent

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus directing the respondent to take the petitioner's entire service from 01.09.1991 to 30.04.2020 for calculation of pension and other terminal benefits and consequently revise the pension and settle arrears of pension and other terminal benefits and 50% backwages for the period from 01.09.1991 to 31.10.2008 as per the award of First Additional Labour Court, Chennai in I.D.No.9 of 2002 dated 23.11.2007 to the petitioner by considering the representations of the petitioner dated 16.11.2020 and 27.02.2023.

For Petitioner : Mr. D.Soundar Raj

For Respondents : Mr. Sivasubramani
Standing Counsel



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ORDER

Heard Mr. D.Soundar Raj, Learned Counsel for the Petitioner and Mr. Sivasubramani, Learned Standing Counsel for the Respondent 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 representations dated 16.11.2020 and 27.02.2023 to the Respondent to take into account his entire service from 01.09.1991 to 30.04.2020 for calculation of pension and other terminal benefits and to consequently revise the pension, settle arrears of pension and other terminal benefits and 50% backwages for the period from 01.09.1991 to 31.10.2008 as per the award dated 23.11.2007 in I.D. No. 9 of 2002 passed by the I Additional Labour Court, Chennai, but as it did not evoke any response, he has filed this Writ Petition.

3. Having regard to the limited nature of relief sought, this Court without expressing any view on the correctness or entitlement of the claim made by the Petitioner, passes the following order:-

- (i) the concerned authority shall immediately examine the representations dated 16.11.2020 and 27.02.2023 made by the Petitioner including



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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.



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

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Sgl/maya

Index: Yes/No

Note: Issue order copy by 02.06.2023.

To

The Managing Director,
M/s.State Express Transport Corporation,
No.2, Pallavan Salai,
Chennai – 600 002.

Copy to

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



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P.D. AUDIKESAVALU, J.

Sgl/maya

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