



W.P. No. 9088 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. 9088 of 2023

R.Ganesan

... Petitioner

-VS-

1. Tamil Nadu Housing Board,
Rep. by its Managing Director,
CMDA Complex, E & Market Road,
Koyambedu, Chennai – 600107.

2. The Principal Secretary to Government,
Housing & Urban Development Department,
Secretariat, Chennai – 600009.

3. The Government of India,
Rep. by its Deputy Chief Labour Commissioner (Central),
Ministry of Labour and Employment,
A-Wing, 5th Floor, Shstri Bhavan,
No. 26, Haddows Road, Nungmbakkam,
Chennai – 600006.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus, to direct the First Respondent to consider the representation dated 27.09.2022.



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W.P. No. 9088 of 2023

For Petitioner : Mr. P.Vijayakumar
For Respondents : Mr. S.Rajesh,
Government Advocate (for R1)
Mr. D.Veerasekaran (for R2)
Mr. V.Chandrasekaran,
Senior Panel Counsel (for R3)

ORDER

Heard Mr. P.Vijayakumar, Learned Counsel for the Petitioner, Mr. S.Rajesh, Learned Government Advocate appearing for the First Respondent, Mr. D.Veerasekaran, Learned Counsel for the Second Respondent and Mr. V.Chandrasekaran, Learned Senior Panel Counsel for the Third Respondent and perused the materials placed on record, apart from the pleadings of the parties.

2. The grievance ventilated by the Petitioner, who is a retired employee of the First Respondent, is that *ad hoc* bonus payable to him has been withheld under the pretext of awaiting clarification from the Central Government and as his representation dated 27.09.2022 made in that regard did not evoke any respondent, he has filed this Writ Petition.



W.P. No. 9088 of 2023

3. Learned Senior Panel Counsel appearing for the Third Respondent, on instructions, states that the Third Respondent has sent necessary clarification to the First Respondent by Proceedings No. 95/22/2021-D1 dated 02.08.2022 and its copy has been produced.

4. 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 27.09.2022 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 and all other persons concerned to explain their position in that regard;



W.P. No. 9088 of 2023

(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.

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

19.04.2023

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Index: Yes/No

Note: Issue order copy by 02.06.2023.

To

1. The Managing Director,
Tamil Nadu Housing Board,
CMDA Complex, E & Market Road,
Koyambedu, Chennai – 600107.
2. The Principal Secretary to Government,
Housing & Urban Development Department,
Secretariat, Chennai – 600009.



W.P. No. 9088 of 2023

3. The Deputy Chief Labour Commissioner (Central),
The Government of India,
Ministry of Labour and Employment,
A-Wing, 5th Floor, Shstri Bhavan,
No. 26, Haddows Road, Nungmbakkam,
Chennai – 600006.

Copy to

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



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W.P. No. 9088 of 2023

P.D. AUDIKESAVALU, J.

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W.P. No. 9088 of 2023

19.04.2023