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W.P. No. 10912 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.04.2023

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

W.P. No. 10912 of 2023

U.Amanullah Sharif

... Petitioner

-VS-

1. The Additional Chief Secretary,
Transport Department,
Fort St.George,
Chennai – 600009.
2. The Managing Director,
Tamil Nadu State Transport Corporation (Villupuram) Ltd.,
Salamedu, Vazhuthareddy Post,
Villupuram – 605602.
3. The General Manager,
Tamil nadu Transport Corporation (Villupuram) Ltd.,
Vellore Region, Rangapuram,
Vellore – 605602.
4. The Administrator,
Tamil Nadu State Transport Corporation,
Employees Pension Fund Trust,
Thiruvalluvar House, Pallavan Salai,
Chennai – 600002.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus, to direct the Second and Fourth Respondents to pay the payment of pension arrears from 01.04.2015 to 30.04.2019, difference of Gratuity and Commutation and re-fix the rate of pension and considering the Petitioner's representation dated 04.10.2018.



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For Petitioner : Mr. N.Desinghu
For Respondents : Mrs. R.Anitha,
Special Government Pleader (for R1)
Mr. M.Aswin (for R2 & R3)
Mr. C.S.K.Sathish (for R4)

ORDER

Heard Mr. N.Desinghu, Learned Counsel for the Petitioner, Mrs. R.Anitha, Learned Special Government Pleader takes notice for the First Respondent, Mr. M.Aswin, Learned Counsel takes notice for the Second and Third Respondents and Mr. C.S.K.Sathish, Learned Counsel takes notice for the Fourth 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 representation dated 04.10.2018 to the Second and Fourth Respondents to pay him the pension arrears from 01.04.2015 to 30.04.2019, differential amount of gratuity and commutation and re-fix the rate of pension, 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 04.10.2018 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; and
- (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

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

No costs.

11.04.2023

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Index: Yes/No

Neutral Citation: Yes/No

Note: Issue order copy by 02.06.2023.

To

1. The Additional Chief Secretary,
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Chennai – 600009.
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Copy to

The Registrar (Judicial),
Madras High Court,
Chennai.



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P.D. AUDIKESAVALU, J.

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