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W.A.No.1821 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 24.07.2023

CORAM

THE HON'BLE Mr. JUSTICE R. MAHADEVAN
AND
THE HON'BLE Mr. JUSTICE MOHAMMED SHAFFIQ

W.A.No.1821 of 2023 &
C.M.P.No.16020 of 2023

The Management
Tamil Nadu State Transport Corporation
(Kumbakonam) Ltd.
Regional Office
Karaikudi, Sivagangai District
Rep. by its General Manager

.. Appellant

Vs.

1.K.Kalidoss

2.The Additional Chief Secretary to the Government
Transport Department
Secretariat
Chennai 600 009

.. Respondents

Writ Appeal filed under Clause 15 of Letters Patent Act, against the order
dated 15.11.2022 passed in W.P.No.5020 of 2018.

For Appellant : Mr.M.Murali Vinodh
For R2 : Mr.Abishek Murthy
Government Advocate



W.A.No.1821 of 2023

JUDGMENT

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(Judgment of the court was delivered by R. MAHADEVAN, J.)

The appellant is the Tamil Nadu State Transport Corporation and the first respondent herein is the writ petitioner. The challenge made in this writ appeal is to the order dated 15.11.2022 passed by the learned Judge in W.P.No.5020 of 2018.

2. The first respondent herein joined as Conductor in the appellant Transport Corporation on 10.11.1979 and was subsequently, promoted as Traffic Manager in Coimbatore Bus Stand. On 20.02.2014, at request, he was transferred to Koyambedu Bus Stand, Chennai on deputation and he retired from service on 30.09.2016. Thereafter, he approached the writ court by filing WP.No.5020 of 2018 for a Mandamus, directing the appellant Transport Corporation to settle the house rent allowance and city compensatory allowance with interest. By order dated 15.11.2022, the learned Judge disposed of the said writ petition by directing the appellant Transport Corporation to verify the service record, ascertaining the eligibility of the first respondent and settle the house rent allowance due and other benefits, including City Compensatory allowance within a period of eight weeks from the date of receipt of a copy of



W.A.No.1821 of 2023

the order. Aggrieved by the same, the appellant Transport Corporation is before this court with the present appeal.

3. According to the learned counsel for the appellant, even after transfer of the first respondent to the Koyambedu Bus Stand at Chennai, he was continuously paid House Rent Allowance and City Compensatory Allowance as applicable to him; and that, on attaining the age of superannuation, the appellant Transport Corporation had settled all the terminal benefits due to him. Though the first respondent received the same without any objection, after a lapse of four years, he has preferred the writ petition raising dispute about the settlement made by the appellant Transport Corporation, which is barred by the principles of delay and laches. The learned counsel further submitted that the appellant Transport Corporation filed a counter affidavit in the writ petition resisting the claim of the first respondent, however, the learned Judge failed to consider the same and erred in directing the appellant Transport Corporation to settle the benefits including HRA and CCA after verification, to the first respondent, by the order impugned herein, which is arbitrary, illegal and contrary to the facts and law.



W.A.No.1821 of 2023

WEB COPY

4. Mr.Abhishek Murthy, learned Government Advocate, takes notice for the second respondent.

5. After hearing both sides and upon perusal of the documents enclosed in the typed set of papers, it is seen that the first respondent made a representation dated 23.02.2018 to the appellant Transport Corporation requesting to pay HRA and CCA totalling a sum of Rs.58,400/- for the services rendered by him in the Chennai City. Since the appellant has not passed any order on the said representation, he preferred the writ petition seeking a mandamus to consider the said representation and pass orders on the same. Though the appellant Transport Corporation filed a counter affidavit, upon considering the limited nature of the relief sought by the first respondent, the learned Judge has rightly directed the appellant to settle the benefits payable to the first respondent including HRA and CCA, only after verification of the service records and ascertaining the eligibility, within the time stipulated. Such an order passed by the learned Judge, cannot be interfered with by this court.

6. Finding no merit, the writ appeal stands dismissed. The appellant Transport Corporation shall comply with the order of the learned Judge, within



W.A.No.1821 of 2023

a period of eight weeks from the date of receipt of a copy of this judgment. No costs. Consequently, connected miscellaneous petition is closed.

[R.M.D, J.]

[M.S.Q,

J.]

24.07.2023

Neutral Citation : Yes
gya

To

1. The General Manager
Tamil Nadu State Transport Corporation
(Kumbakonam) Ltd.
Regional Office
Karaikudi, Sivagangai District

2. The Additional Chief Secretary to the Government
Transport Department
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