



W.P.No. 2283 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.11.2024

CORAM:

THE HONOURABLE **MRS. JUSTICE V.BHAVANI SUBBAROYAN**

W.P.No.2283 of 2023

V. Balasubramaniam

.. Petitioner

Versus

1. Tamilnadu State Express Transport
Corporation represented by its
Managing Director, Pallavan Salai
Chennai 600 002.

2. Government of Tamilnadu, rep by
Its Secretary, Transport Department,
Fort St. George, Chennai 600 059.

...Respondents

Prayer: This petition is filed under article 226 of the constitution of India to issue a Writ of Mandamus directing the respondents to consider petitioner's representation dated 07.11.2020 submit along with calculation memo and pay a sum of Rs.7,03,606/- with compound interest at the rate of 12% per annum and pass orders.



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For Petitioner	: Mr.S. Sadasharam
For Respondent- 1	: Mr.S. Siva Subramaniam Standing Counsel
For Respondent -2	: Mr.Abishek Murthy Government Advocate

ORDER

This petition is filed to issue a writ of Writ of Mandamus directing the respondents to consider petitioner representation dated 07.11.2020 and pay a sum of Rs.7,03,606/- with compound interest at the rate of 12% per annum and pass orders.

2. The case of the petitioner is that he was appointed as Driver in the first respondent Corporation and based on the disability certificate dated 10.11.2003, he was removed from the services on 06.12.2004. Aggrieved over the same the petitioner filed W.P.No.35595 of 2007 and this Court vide order dated 15.03.2011 directed the respondent therein to confer all benefits including monetary benefits to the petitioner from the date on which he was discharged from the services. Pursuant to which, the respondent paid a meager sum of Rs.6,24,192/- whereas, the correct amount was Rs.7,03,606/- Hence, he gave a representation to the respondents on 07.11.2020 to pay the balance amount due to the



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petitioner. However, the same was not considered till date. Hence, this petition.

3. The learned counsel for the petitioner submitted that it would be suffice if this Court issues a direction to the respondents to consider the petitioner's representation dated 07.11.2020 and pass orders.

4. The learned standing counsel appearing for the first respondent corporation filed a counter wherein, it was stated that pursuant to the orders passed by this Court in W.P.No.33595 of 2007 on 15.03.2011, the monetary benefits due to the petitioner from the date of discharge i.e from 06.12.2004 was settled. Thereafter, the petitioner has filed another Writ Petition in W.P.No.6855 of 2013 for the same prayer and this Court vide order dated 03.11.2020 passed an order directing the petitioner to submit a fresh representation along with the calculation and based on the representation the respondents therein are directed to re-work the amount payable to the petitioner and pass orders within a period twelve weeks from the date of receipt of a copy of that order. However the order dated 03.11.2020 passed in W.P.No.6855 of 2013 was not complied as the



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respondents had already arrived and settled the due amount to the petitioner. When this being the case, the petitioner has filed the present writ petition seeking the same prayer as sought in the W.P.No.33595 of 2007.

5. On a perusal of the counter affidavit filed by the first respondent it is seen that the Respondent/Corporation have calculated the amount due to the petitioner and settled the same and the relevant portion is extracted hereunder:

Sl.No	Name of the Benefits	Amount in Rs.
1	Provident Fund	85,854/-
2	Provident Fund Interest	10,641/-
3	Gratuity	4,73,180/-
4	Gratuity Interest	17,034/-
5	Leave Salary	2,54,536/-
6	Leave Salary Interest	40,861/-
7	Commutation	2,24,809/-
8	Commutation Interest	11,854/-
9	Pension Arrears	23,578/-
10	Total	11,42,347/-



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6. In view of the above facts it is made clear that the prayer sought for by the petitioner has already been considered by this Court in W.P.Nos.35595 of 2007 and 6855 of 2013. Hence, nothing survives for further adjudication in this petition and this petition deserves to be dismissed. Accordingly this petition is dismissed. No order as to costs.

05.11.2024

Speaking order : Yes/No

Neutral citation : Yes/No

Index : Yes/No

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To

1. The District Collector,
1. Tamilnadu State Express Transport
Corporation represented by its
Managing Director, Pallavan Salai
Chennai 600 002.

2. Government of Tamilnadu, Transport Department,
Fort St. George, Chennai 600 059.
No.576, Mogappair West,
Ambattur District, Chennai – 600 037.



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V.BHAVANI SUBBAROYAN, J.

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