

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.03.2015

CORAM

THE HONOURABLE Mr. JUSTICE M.DURAI SWAMY

W.P.No.5842 of 2015

C.Rajkumar

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Petitioner

v.

1. The Principal Secretary to Government,
Transport Department,
Govt. of Tamil Nadu,
Secretariat, Chennai - 600 009.
- 2 The Management,
Tamil Nadu State Transport Corporation,
(Villupuram - I) Ltd., Villupuram. ... Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of mandamus, directing the 2nd respondent to pay daily wage as per 12 (3) settlement dated 30th September 1992 from the date of initial appointment of the petitioner.

For Petitioner : Mr.S.T.Varadarajulu
For Respondents : Mr.R.M.Muthukumar,
Govt. Advocate - for R1
Mr.P.Paramasivadosh - for R2

ORDER

The petitioner has filed the above writ petition to issue a writ of mandamus, directing the second respondent to pay daily wage as per section 12 (3) settlement dated 30.09.1992 from the date of initial appointment of the petitioner.

2. According to the petitioner, he joined in the services of the respondent corporation as a conductor on 20.10.2008 and he was kept under reserve crew. He was given duty at Chennai Depot. Further, according to the petitioner, though he had completed 240 days in the year 2009 itself, he was not made permanent as per their standing order. Further, according to the petitioner, he has completed 480 days in October 2010. Hence, he should have been made permanent. As per settlement dated 30.09.1992, he should have been put in regular scale of pay after completion of 240 days of service. The daily wage paid by the second respondent is Rs.229/- and the petitioner had requested the second respondent to pay daily wage as

per the settlement dated 30.09.1992. Lastly, on 2.2.2015, he gave a representation to pay correct wage as per the settlement. However, according to the petitioner, the second respondent has not paid the daily wage as per settlement dated 30.09.1992.

3. Mr.R.M.Muthukumar, learned Government Advocate takes notice for the first respondent and Mr.P.Paramasivados, learned Standing Counsel takes notice for the second respondent. The learned counsel for the respondents submitted that the second respondent may be directed to consider the representation dated 2.2.2015 given by the petitioner, within a stipulated time.

4. Having regard to the submissions made by the learned counsel on either side and also taking into consideration the limited prayer sought for in the writ petition, without expressing any opinion with regard to the merits of the case, I direct the second respondent to consider the representation dated 2.2.2015 given by the petitioner, taking into consideration the settlement dated 30.09.1992 under section 12(3) of the Industrial Disputes Act and also the order dated 1.7.2010 passed by this court in W.P.Nos. 7961 and 8223 of 2009, within a period of six weeks from the date of receipt of a copy of this order.

With this observation, the writ petition is disposed of. However, there shall be no order as to costs.
Rj

-s/d-

Assistant Registrar(CO)

Dt:9/3/2015

True Copy

Sub-Assistant Registrar

To

1. The Principal Secretary to Government,
Transport Department,
Govt. of Tamil Nadu,
Secretariat, Chennai - 600 009.

2 The Management,
Tamil Nadu State Transport Corporation,
(Villupuram - I) Ltd., Villupuram.

+ 1 cc to the Government Pleader, High Court, Madras SR 12340

+ 1 cc to Mr.S.T.Varadarajulu, Advocate SR 12326

jsv(co)
prk9/3

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