

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 06-06-2016

Coram :

THE HONOURABLE MR. JUSTICE B. RAJENDRAN

Writ Petition No. 12219 of 2012

1. Tamilnadu Kanima Niruvana Uzhiyar Sangam
represented by its General Secretary
VPC Ninaivagam
Rajaganapathy Nagar
Mettur Dam
2. D. Ilangovan ... Petitioners

Versus

1. Tamilnadu Minerals Limited
represented by its Chairman
No.5, Kamarajar Salai
Chepauk, Chennai - 600 005
2. The Managing Director
Tamilnadu Minerals Limited
No.5, Kamarajar Salai
Chepauk, Chennai - 600 005 ... Respondents

Petition filed under Article 226 of The Constitution of India praying for a Writ of Mandamus directing the respondents to extend the benefits provided in A.A. No.4 of 2012/Na.Ka.No.2452/E1/2011 dated 30.03.2012 of the second respondent to the 72 drivers including the second petitioner herein who are employed in the mines, quarries and factories, on par with and as given to Jeep Drivers, notionally with effect from 01.01.2006 and with monetary benefits with effect from 01.02.2011 with all consequential benefits, together with interest.

For Petitioner : Mr. R. Krishnaswamy

For Respondents : Ms. A. Srijayanthi

ORDER

The first petitioner herein is an association in which the second petitioner is one of the Members. The petitioners have filed this writ petition for issuing a Mandamus directing the

respondents to extend the benefits provided by the second respondent in the order dated 30.03.2012 to the 72 drivers including the second petitioner herein who are employed in the mines, quarries and factories, on par with Jeep Drivers, notionally with effect from 01.01.2006 and with monetary benefits with effect from 01.02.2011 with all consequential benefits, together with interest.

2. According to the petitioners, the first petitioner is a registered trade union and most of the staff and workmen employed in the respondents corporation, including 72 drivers are their members. There are two sets of Drivers employed in the corporation and they are Jeep Drivers employed in Divisional and Head Offices and the other drivers are engaged in driving Cranes, tipper vehicles, tractor, poklein etc., in the mining and quarrying area. According to the petitioners, there is a disparity in the pay and allowances paid to the two sets of drivers. It is stated that the Government passed order in G.O. (Per) No.65 dated 26.02.2011 permitting all the public sector undertakings, including the respondents to adopt revision of pay given to Junior Assistant/Typists and also Drivers who are working in the Government employees. On the basis of the same, by proceedings dated 30.03.2012, the respondents have given effect to the implementation of the order passed by the Government only in respect of those Jeep Drivers working in Divisional Office and Head Office ignoring the said benefit in favour of the Drivers working in the mines and quarrying area of the respondents corporation. The petitioners also submitted a representation dated 09.04.2012 to the second respondent requesting to extend the benefits given to the Jeep Drivers working in the corporation to the 72 Drivers, including the second petitioner herein, who are working in mines, factories and quarrying site. As there was no response to such representation, the petitioners have come up with this writ petition.

3. When the writ petition is taken up for hearing today, the learned counsel for the petitioners fairly submitted that during the pendency of the writ petition, the petitioner's claim was rejected by the second respondent herein in his proceedings in Na.Ka.No.2452/E1/11 dated 15.03.2013. Therefore, challenging the same, the petitioners have filed WP No. 9387 of 2013 and the same is pending before this Court. Therefore, the learned counsel for the petitioners fairly submitted that when a comprehensive writ petition has been filed by the petitioners during the pendency of this writ petition, the present writ petition may be closed.

4. In view of such submission made by the learned counsel for the petitioners, the writ petition is dismissed. No costs.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

To

1. Tamilnadu Minerals Limited,
represented by its Chairman,
No.5, Kamarajar Salai,
Chepauk, Chennai - 600 005.
2. The Managing Director,
Tamilnadu Minerals Limited,
No.5, Kamarajar Salai,
Chepauk, Chennai - 600 005.

+1cc to Mr.V.Ajoy Khose, Advocate Sr.30562

WP No. 12219 of 2012

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srg 16/06/2016

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