

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.11.2016

CORAM

THE HON'BLE MR. JUSTICE M.S. RAMESH

W.P.No.34479 of 2012

1. K.Subramaniam (Deceased)
2. S.Manimegalai
3. S.Pratheeba
4. S.Dinesh Kumar
5. K.Palaniammal ...Petitioners
[P2 to P5 substituted as LRS as per order of this Court dated 11/11/2016]

Vs.

1. The Managing Director,
Tamilnadu State Transport Corporation,
Salem.
2. The General Manager,
Tamilnadu State Transport Corporation,
Salem Division I Limited,
Salem. ...Respondents

Prayer:- Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus to direct the respondents to refix and re-assign the Scale of Pay of the petitioner on a par with that of his co-drivers who joined service along with him during 1989 and accord all his service benefits implementing in Letter and spirit the award of the Labour Court dated 19.02.2003 made in I.D.No.181/2000 which directed re-instatement of his service with continuity of service and all other attendant benefits.

For Petitioners : Mr.S.Girija

For Respondents : Mr.P.Paramasivadosh
Standing Counsel.

O R D E R

Pursuant to the award dated 19.02.2003, the original petitioner, namely K.Subramaniam was reinstated with continuity of service and all other benefits excluding back wages.

2. It is the grievance of the petitioner that there are variations in the pay scale of the petitioner and the similarly placed drivers who have joined in service along with him in the year 1989. In this regard he had made a representation to the respondents to fix the pay scale like that of those drivers, who are similarly placed.

3. By letter dated 25.08.2010 the respondents had replied that the petitioner's basic pay only Rs.1,920/- and after reinstatement into service he has been given all service benefits, increments etc.

4. The learned counsel for the petitioner would submit that the said K.Subramaniam has come out with a specific case that there is a variation between the pay scale of the petitioner and the drivers who joined service in the year 1989 along with him, which aspect has not been answered in the reply to his representation. Hence the present writ petition has been filed by the petitioner seeking a direction to the respondents to re-fix and re-assign the scale of pay of the petitioner on par with of his co-drivers who joined along with him during 1989, in the light of award of the Labour Court dated 19.02.2003 made in ID.No. 181 of 2000

5. Pending writ petition, the petitioner died and his legal heirs were substituted by order of this Court, dated 11.11.2016. In these circumstances, it would be appropriate if a direction is given to the respondents, to permit the legal heirs of K.Subramaniam to make a fresh representation to the second respondent highlighting the grievances of late K.Subramaniam and on receipt of the said representation, the same shall be considered in the light of the award of the Labour Court dated 19.02.2003 passed in ID.No.181 of 2000 and also by taking into account the variations in the pay scale of the drivers who joined along with the said K.Subramaniam in 1989 and pass orders in accordance with law within a period of six weeks from the date of receipt of a copy of this Order.

सत्यमेव जयते

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6. With the above directions, the writ petition is allowed. No costs.

rts

Sd/-
Assistant Registrar

/TRUE COPY/

Sub-Assistant Registrar

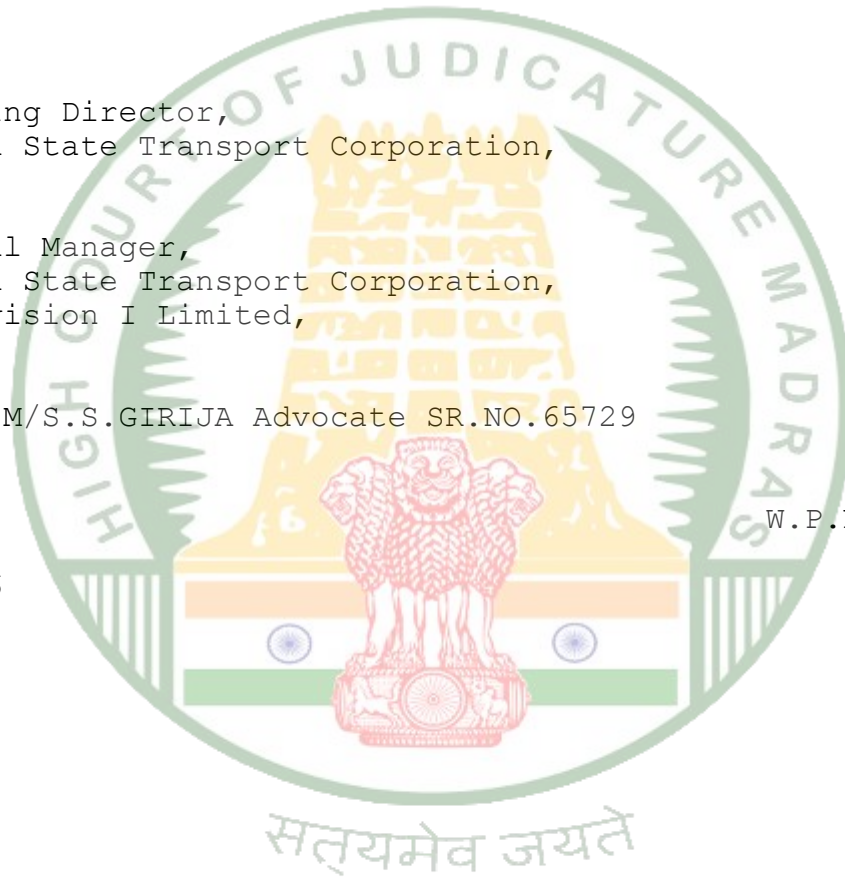
To

1. The Managing Director,
Tamilnadu State Transport Corporation,
Salem.
2. The General Manager,
Tamilnadu State Transport Corporation,
Salem Division I Limited,
Salem.

+1CC to M/S.S.GIRIJA Advocate SR.NO.65729

KSJ[CO]
MK:14/12/2016

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