

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.10.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.36051 of 2016

1. K.P.Kamaraj
2. K.N.Ramasamy
3. V.Rathinasamy
4. S.Rajkumar
5. A.Subramanian
6. M.P.Jeganathan
7. M.Subramaniam
8. R.Subramanian
9. K.P.Loganathan
- 10.S.Elango

...Petitioners

vs.

1. The Principal Secretary to Government/
Additional Chief Secretary to Government,
Transport Department, Secretariat,
Chennai-9.
2. M/s.Tamil Nadu State Transport Corporation
(Kovai) Limited rep. by its Managing Director,
No.37, Mettupalayam Salai,
Coimbatore-641 043.

...Respondents

Writ Petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus, directing the 2nd respondent to implement the direction of the 1st respondent in Letter No.16074/C1/2015-1, dated 09.11.2015 and rectify the pay anomaly of the petitioners including the revision of pension and other consequential benefits by considering the representation of the petitioners dated 08.09.2016.

For Petitioners : Mr.D.Soundarraaj
For 1st Respondent : Mr.K.Dhananjayan,
Spl. Govt. Pleader
For 2nd respondent : Mr.P.Kannan Kumar

ORDER

By consent, the main writ petition itself is taken up for final disposal.

2. The petitioner has come up with the present writ petition for a mandamus, directing the 2nd respondent to implement the direction of the 1st respondent in Letter No.16074/C1/2015-1, dated 09.11.2015 and rectify the pay anomaly of the petitioners including the revision of pension and other consequential benefits by considering the representation of the petitioners dated 08.09.2016.

3. The case of the petitioners is that they were all working in the Administrative Office of the respondent Corporation and retired from service on attaining the age of superannuation. It is alleged that in order to avoid stagnation of promotion and to increase productivity to the employees, review benefits i.e. 5% increase in pay was given to the employees as per the Wage Settlement i.e. after completion of 6, 8 and 10 years respectively. When the tripartite settlement reached between the employees and Management during 2013 before the Joint Commissioner of Labour (Conciliation) under Section 12 (3) of the Industrial Disputes Act, the period of review was reduced and given after completion of 6, 7 and 8 years respectively. Due to this change in the review pattern, the senior got promotion after getting third review i.e. 24 years and junior got promotion after third review i.e. 21 years. The pay anomaly arose between seniors and juniors because senior got Superintendent Promotion before 2013 wage settlement and juniors got Superintendent Promotion after 2013 wage settlement.

4. While so, after repeated requests for rectification of pay anomaly, the 1st respondent has directed the 2nd respondent vide his letter No.16074/C1/2015-1, dated 09.11.2015 to rectify the same. Based on the direction of the 1st respondent, the anomaly was rectified only for 11 employees by the 2nd respondent. In the same analogy, the petitioners represented to

the 2nd respondent vide their representation dated 08.09.2016 to rectify the pay anomaly. But no action was taken on the same. Hence, the present Writ Petition.

5. I have heard the learned counsel appearing for the petitioner and the learned Special Government Pleader, who has taken notice on behalf of the 1st respondent and the learned Counsel who has taken notice on behalf of the 2nd respondent.

6. Considering the facts and circumstances of the matter, without going into the merits of the claim made by the petitioners, this Court directs the 1st respondent to consider the representation of the petitioners dated 08.09.2016 and pass appropriate orders, on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this Order.

7. With the above direction, the present writ petition is disposed of. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

The Principal Secretary to Government/
Additional Chief Secretary to Government,
Transport Department, Secretariat,
Chennai-9.

+1CC to Mr.P.Kannan Kumar, Sr 59183
+1CC to Mr.D.Soundar Raj, SR 58270
+1CC to Government Pleader, SR 58609

W.P.No.36051 of 2016

RV (CO)
PSI 12/11/2016