

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.11.2016

CORAM:

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.36886 of 2016

U.Marimuthu

... Petitioner

vs.

1. The Additional Chief Secretary,
Transport Department,
Government of Tamil Nadu,
Secretariat,
Chennai 600 009.
2. The Managing Director,
Tamil Nadu State Transport Corporation
(Salem) Ltd.,
12, Ramakrishna Salai,
Salem - 636 007.
3. The Administrator,
Tamil Nadu State Transport Corporation
Employees Pension Trust,
Administrative Office,
Thiruvalluvar House,
Pallavan Salai,
Chennai 600 002.

... Respondents

Writ petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of mandamus directing the respondents 2 and 3 to consider and pass orders on the petitioner's representation dated 30.09.2016 with regard to arrears of salary and retirement benefits in the light of G.O.Ms.No.61, dated 30.04.2015 within a stipulated time.

For Petitioner : M/s.A.Nagarathinam

For R1 : Mr.O.Selvam
Government Advocate

For R2 & R3 : Mr.R.K.Gandhi

O R D E R

The petitioner has come up with this Writ Petition seeking a direction to respondents 2 and 3 to consider and pass orders on his representation dated 30.09.2016 with regard to arrears of salary and retirement benefits in the light of G.O.Ms.No.61, dated 30.04.2015 within a stipulated time.

2. According to the petitioner, he entered the services of the respondent/Transport Department as a Conductor on 26.08.1974 and promoted as Senior Checking Inspector by an order dated 09.01.2006. He retired from service on 31.05.2011 on attaining the age of superannuation. The grievance of the petitioner is that he was not paid the benefit of wage revision in the light of G.O.Ms.No.51, dated 14.03.2013, by which higher scale of pay and grade pay was fixed to the Checking Inspectors with effect from 01.09.2010. Thereafter, the 1st respondent issued another Government Order vide G.O.Ms.No.61, dated 30.04.2015, extending the benefit of wage revision to Senior Checking Inspectors with effect from 01.09.2010, retrospectively.

3. It is further stated by the petitioner that vide order dated 19.05.2011, he was promoted to the post of Traffic Inspector with scale of pay of Rs.9,300 - 34,800 + Grade pay of Rs.4,400/-. But, the respondent/Transport Department has not paid the salary as per the said order of promotion; instead, the petitioner was paid the scale of pay of Rs.5,200 - Rs.20,200/- + Grade pay of Rs.2,250/-. Therefore, according to the petitioner, he is entitled for revision of salary as per the order of promotion. Moreover, after retirement from service, the petitioner was paid only Provident Fund, Gratuity, Labour Welfare Fund, IRT Share and commutation, but, he was not paid the Earned and Unearned Leave benefits for 318 days.

4. Since the respondent/Transport Department did not take any action to pay the arrears of salary and retirement benefits, the petitioner made a representation on 30.09.2016 requesting the respondents to pay the arrears of salary and settle the arrears of retirement benefits, based on the revised scale of pay for the post of Traffic Inspector. Since no orders are forthcoming from the respondents, the petitioner is once again before this Court.

5. When the matter is taken up for consideration, learned counsel for the petitioner submitted that the petitioner's grievance would be redressed, if the respondents are directed to consider his representation dated 30.09.2016 and pass appropriate orders within a stipulated time.

6. In view of the above, without going into the merits of the case, the respondents 2 and 3 are directed to consider the petitioner's representation dated 30.09.2016 seeking payment of arrears of salary and settlement of pensionary benefits, 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.

With the above direction, this Writ Petition is disposed of.
No costs.

aeb

Sd/-
Assistant Registrar (CS VI)
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Sub-Assistant Registrar

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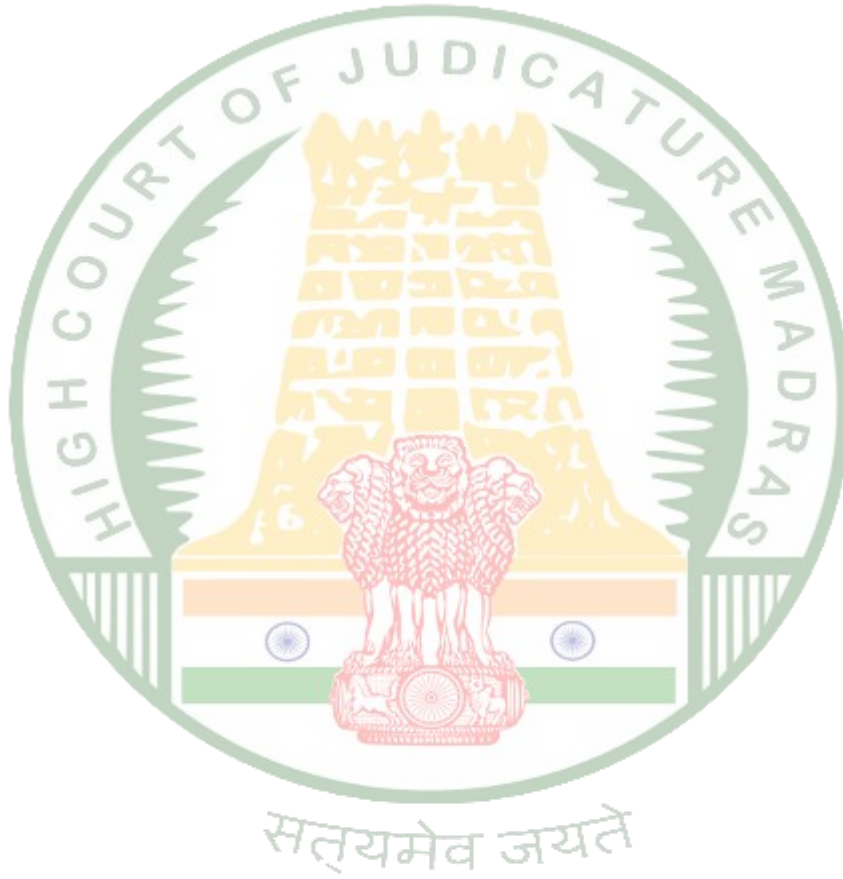
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+1CC to MR.R.K.GANDHI Advocate SR.NO.67186
+1CC to Govt Pleader in SR.NO.67520
+1CC to MR.A.NAGARATHINAM Advocate SR.NO.67013

W.P.No.36886 of 2016

LRS[CO]
MK:02/01/2017



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