

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.11.2016

CORAM:

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.37229 of 2016

M.Pitchamuthu

... 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 08.10.2016 with regard to arrears of salary and pension 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.R.Venkatesh,
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 08.10.2016 with regard to arrears of salary and pension 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 Driver on 14.10.1980 and promoted as Senior Driving Instructor at Erumapalayam-II Branch. He retired from service on 28.02.2014 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 while he was promoted to the post of Senior Driving Instructor, he was issued an order dated 24.02.2014. As per the wage agreements and Government Orders, the scale of pay for the post of Senior Driving Instructor was fixed as Rs.9,300 - 34,800 + Grade pay of Rs.4,300/-. Instead of paying the salary for the post of Senior Driving Instructor, the petitioner was paid the basic pay of Rs.11,945 with grade pay of Rs.2,300 at the time of retirement.

4. Therefore, the petitioner claims that he is entitled for revision of salary for the post of Senior Driving Instructor and that the respondent/Transport Department is liable to pay the arrears for the period from 24.02.2014 to 28.02.2014 and settle the arrears of retirement benefits such as Gratuity, Pension and Leave encashment based on the revised scale of pay of Rs.9,300 - 34,800 + Grade pay of Rs.4,300 to the petitioner. Though the petitioner approached the respondent Corporation several times requesting them to pay the arrears of salary and arrears of retirement benefits including pension based on the abovesaid Government Order, since no orders were passed, the petitioner filed a Writ Petition in W.P.No.34616 of 2016 and this Court, by an order dated 30.09.2016 directed the respondent/Transport Department to settle the retirement benefits such as Gratuity, IRT share, benefit of Earned Leave and Unearned Leave and the benefit of Medical Leave. Pursuant thereto, the respondent/Transport Department calculated the retirement benefits of the petitioner including pension based on the last drawn salary, which includes basic pay of Rs.11,945/-

and Grade pay of Rs.2,300/-. According to the petitioner, the respondent/Transport Department has to pay the retirement benefits based on the revised scale of pay, i.e. Rs.9,300 - 34,800 + 4,400, as per the order of promotion to the post of Senior Driving Instructor.

5. 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 08.10.2016 requesting the respondents to pay the arrears of salary from 24.02.2014 to 28.02.2014 and settle the arrears of retirement benefits based on the revised scale of pay for the post of Senior Driving Instructor. Since no orders are forthcoming from the respondents, the petitioner is once again before this Court.

6. 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 08.10.2016 and pass appropriate orders within a stipulated time.

7. In view of the above, without going into the merits of the case, the respondents are directed to consider the petitioner's representation dated 08.10.2016 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.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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To:

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.

+1cc to Mr.A.Nagarathinam, Advocate Sr.67015
+1cc to Mr.R.K.Gandhi, Advocate Sr.67192
+1cc Mr.Government Pleader Sr.67509

W.P.No.37229 of 2016

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srg 26/12/2016



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