

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.11.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.38646 of 2016

G.Poulin Sahaya Mary

... Petitioner

Vs

1.M/s.State Express Transport Corporation Ltd.,
rep.by its Managing Director,
No.2, Pallavan Salai,
Chennai-60 002

2.M/s.Tamil Nadu State Transport
Corporation Employees Provident Fund Trust,
rep.by its Administrator,
No.2, Pallavan Salai,
Chennai-600 002

... Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the respondents to implement the direction of the Government and settle pay arrears from 24.2.2014 and fixation of pay from the date of promotion and fix the pay notionally with settlement of arrears from 1.4.2015 by considering the representations of the petitioner dated 26.5.2014, 1.5.2015, 5.5.2016 and 3.10.2016.

For Petitioner : Mr.D.Solundararaj

For Respondents : 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 respondents to implement the direction of the Government and settle pay arrears from 24.2.2014 and fixation of pay from the date of promotion and fix the pay notionally with settlement of arrears from 1.4.2015 by considering her representations dated 26.5.2014, 1.5.2015, 5.5.2016 and 3.10.2016.

3. It is the case of the petitioner that she was appointed as Junior Assistant on 19.11.1981 and retired from service as Selection Grade Superintendent on 30.6.2016, after serving 35 years of service. In order to avoid stagnation of promotion and to increase productivity to the employees, review benefits were given i.e., 3% increase in pay. Prior to 2015 settlement, review benefits were given to employees after completion of six years, seven years, eight years, eight years and three years and it was modified in the 2015 settlement and review benefits were given after completion of six years, seven years, seven years, seven years and five years and review benefits for the first three reviews - 5% of pay and for the last two reviews - 3% increase of pay was effected due to implementation of tripartite settlement, due to which pay anomaly arose between the seniors and juniors. For rectification of the said anomaly, the Government vide letter dated 9.11.2015 directed the first respondent to rectify the same. Based on the said direction, the pay anomaly of the petitioner was rectified by fixation of pay from 1.1.2016, but, the arrears from 9.11.2015 to 31.5.2016 were not given to her by the first respondent and the second respondent has not given effect in the pension payment as the pay anomaly was rectified by the first respondent. In this regard, she sent several representations. But, the same were not considered so far. Hence, left with no other alternative, the petitioner has come up with the present writ petition.

4. I have heard the learned counsel appearing for the petitioner and the learned counsel, who has taken notice on behalf of the respondents.

5. Considering the facts and circumstances of the case and considering the submissions made on either side, without going into the merits of the claim projected by the petitioner, this Court directs the respondents to consider the representation of the petitioner dated 3.10.2016 seeking implementation of the GO in G.O.Ms.No.146 dated 30.11.2015 and the subsequent directions of the Government in letter No.11487/C1/2016 dated 30.7.2016 and to settle pay arrears from 24.2.2014 and fixation of pay from the date of promotion and fix the pay notionally with settlement of arrears from 1.4.2015 and pass appropriate orders, on merits and in accordance with law,

within a period of four weeks from the date of receipt of a copy of this order. The writ petition is disposed of accordingly. No costs.

Sd/-
Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

sbi

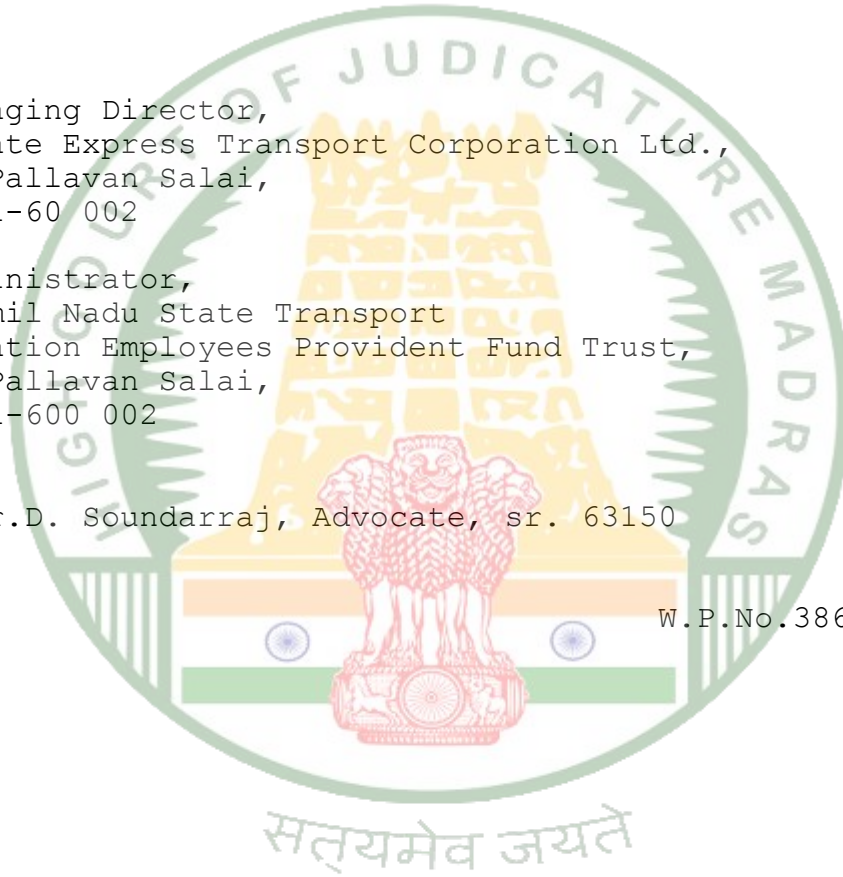
To

- 1.The Managing Director,
M/s.State Express Transport Corporation Ltd.,
No.2, Pallavan Salai,
Chennai-60 002
- 2.The Administrator,
M/s.Tamil Nadu State Transport
Corporation Employees Provident Fund Trust,
No.2, Pallavan Salai,
Chennai-600 002

1 cc to Mr.D. Soundarraaj, Advocate, sr. 63150

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