

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.11.2016

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THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.39268 of 2016

M.Kandasamy

... Petitioner

Vs.

1. The Additional Chief Secretary
Transport Department
Government of Tamilnadu
Secretariat,
Chennai - 600 009.
2. The Managing Director
Tamilnadu 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

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents 2 and 3 to consider and pass orders on the petitioner's representation dated 15.10.2016 with regard to arrears of salary and retirement benefits such as gratuity, pension and benefits of leave surrender and medical leave in the light of G.O.Ms.No.61 dated 30.04.2015 within a stipulated time as fixed by this Hon'ble Court.

For Petitioner : Mr.A.Nagarathinam

For Respondents : Mr.S.N.Parthasarathi for R1
Government Advocate
Mr.R.K.Gandhi for R2 and R3

O R D E R

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

2.The present writ petition has been filed seeking a Mandamus directing the respondents 2 and 3 to consider and pass orders on the petitioner's representation dated 15.10.2016 with regard to arrears of salary and retirement benefits such as gratuity, pension and benefits of leave surrender and medical leave in the light of G.O.Ms.No.61 dated 30.04.2015, within a stipulated time as fixed by this Court.

3.The petitioner entered the service as Conductor on 01.01.1980 in the respondent Corporation and was promoted as Senior Checking Inspector vide order dated 26.06.2009 and his employee number is FC0305. He retired from service on 28.02.2013 on attaining the age of superannuation. Though the petitioner was promoted as Senior Checking Inspector, he was not paid the revised scale of pay applicable to the said post but was paid only the salary applicable to the post of Conductor.

4.There was a Settlement entered into between the respondent Corporation and the Employees Union under Section 12(3) of the Industrial Disputes Act, 1947 on 22.01.2011 and in pursuant to the said settlement, the first respondent issued a 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, but the benefit of the said wage revision was not paid to the petitioner. Thereafter, the first respondent issued another G.O.Ms.No.61, dated 30.04.2015 extending the benefit of wage revision to the Senior Checking Inspectors with effect from 01.09.2010 retrospectively.

5.The petitioner was awarded first review, second review, third review, fourth review in the respective service. But, the petitioner was not given the benefit of fifth review by the respondent Management. The petitioner's last drawn monthly salary was Rs.27,110/- and according to him, it was not calculated on the revised scale of pay awarding the fifth review as per the Settlement and Government Orders. The petitioner in this regard made representation dated 15.10.2016 to the respondents, but till date it was not considered. Hence, this petition.

6.Heard the submissions of the learned counsel appearing for the petitioner, the learned Government Advocate who takes notice for the first respondent and the learned counsel who take notice for the respondents 2 and 3.

7.Considering the submissions made on either side and without going into the merits of the case, this Court directs the petitioner to give a copy of the representation dated 15.10.2016 to the respondents 2 and 3, within a period of two weeks from the date of receipt of a copy of this order and on receipt of the same, the second respondent is directed to dispose of the said representation, with regard to arrears of salary and retirement benefits such as gratuity, pension and benefits of leave surrender and medical leave, on merits and in accordance with law and also in the light of G.O.(Ms).No.61, Transport (C) Department, dated 30.04.2015, within a period of six weeks thereafter.

8.The writ petition is disposed of accordingly. 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 Tamilnadu
Secretariat,
Chennai - 600 009.
2. The Managing Director
Tamilnadu State Transport
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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.

+lcc to Mr.A.Nagarathinam, Advocate, S.R.No.64886

+lcc to the Government Pleader, S.R.No.64947

W.P.No.39268 of 2016

SS(CO)

CA(09/12/2016)