

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.11.2016

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.39324 of 2016

G.Ganapathy

... Petitioner

Vs.

- 1 Tamil Nadu State Transport Corporation
Rep. by its Chairman
Chennai.
- 2 General Manager
Tamil Nadu State Transport Corporation (Salem)
Dharmapuri Region,
Bharathipuram,
Dharmapuri - 636 725. ... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 2nd respondent to consider the representation dt.03.05.2016 and disburse the 4th and 5th review benefits and promote the petitioner as Checking Inspector.

For Petitioner : Mr.R.Subramanian

For Respondents : Mr.R.K.Gandhi

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 second respondent to consider the representation dated 03.05.2016 and disburse the fourth and fifth review benefits and promote the petitioner as Checking Inspector.

3.The petitioner is working as Conductor from 11.09.1981 in the respondent Corporation and is due to retire on 31.05.2017. The petitioner is due for promotion to the post of Checking Inspector and he became entitled to the fifth review benefit in August, 2009, but the same has not been given to him.

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 and as per Clause 4 of the said Settlement, the Management agreed to give review benefit of pay scale to the employees. Earlier review benefit was given in the sixth year, eighth year and tenth year and it was changed to 6+7+8+3+3 years for the first three reviews at 5% and second three reviews at 3% and the benefit should be calculated from the date of initial appointment. As per the revised review benefits, the salary would be revised from 01.09.2010.

5. The petitioner has put in 27 years of service and he is entitled to fifth review benefit from 01.08.2009, but till now the fourth and fifth review benefits have not been given. Hence, the petitioner made a representation dated 19.11.2015, to the second respondent seeking the benefit of fifth review and promotion. In response, he received a reply dated 03.12.2015, from the second respondent stating that he cannot be promoted since there are 139 senior Conductors and he is in the 69th place. Thereafter, the petitioner sent a reply on 03.05.2016, stating that as per Section 12(3) Settlement, he should have been given fifth review benefit from 01.08.2009 and the benefits of reduction of punishment have not been paid and further stated that he has completed 33 years of continuous service from the date of regularisation and his juniors have been given promotion and since the same was not considered, came forward to file this writ petition.

6. Heard the submissions of the learned counsel appearing for the petitioner and the learned counsel who take notice for the respondents.

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 03.05.2016 to the respondents, within a period of two weeks from the date of receipt of a copy of this order and on receipt of the same, the respondents are directed to consider the said representation, on merits and in accordance with law, and pass appropriate orders, within a period of four weeks thereafter.

8. It is made clear that this Court has not expressed any opinion with regard to the merits of the claim made by the petitioner and it is for the respondents to decide the matter, purely on merits.

9.The writ petition is disposed of accordingly. No costs.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

pri

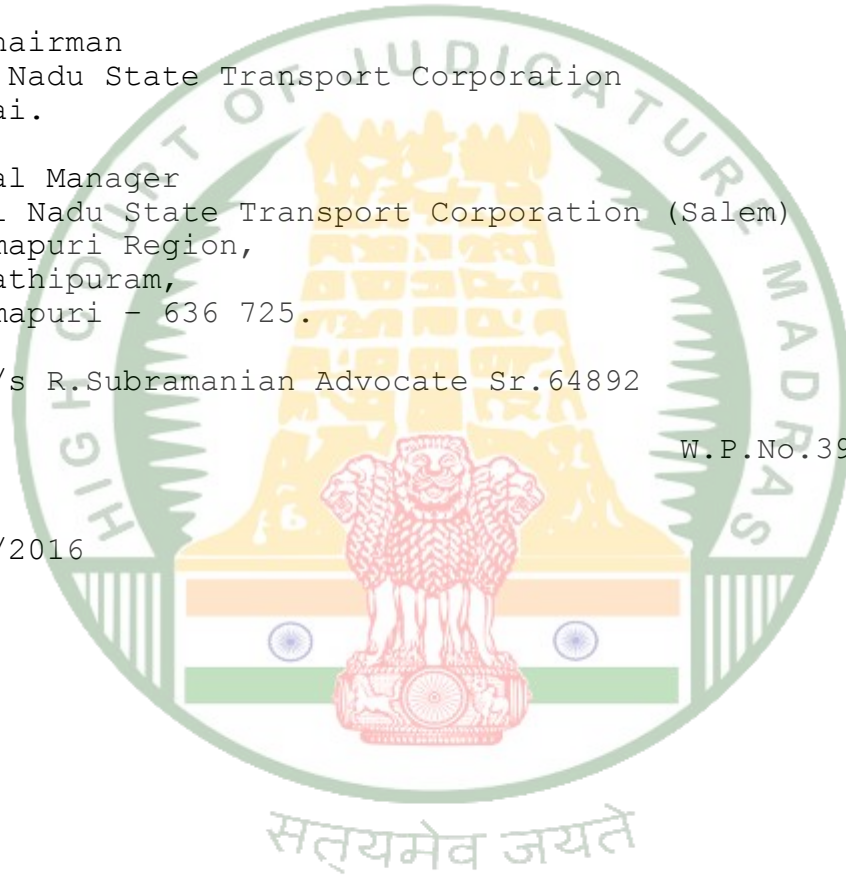
To

- 1 The Chairman
Tamil Nadu State Transport Corporation
Chennai.
- 2 General Manager
Tamil Nadu State Transport Corporation (Salem)
Dharmapuri Region,
Bharathipuram,
Dharmapuri - 636 725.

+1cc to M/s R.Subramanian Advocate Sr.64892

W.P.No.39324 of 2016

KJI (CO)
RVR 15/12/2016



WEB COPY