



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.11.2016

CORAM :

THE HONOURABLE DR.JUSTICE S.VIMALA

W.P (MD) No.21956 of 2016

R.Mathivanan

... Petitioner

vs.

1.Tamil Nadu State Transport Corporation
(Kumbakonam) Ltd.,
Rep. by its Managing Director,
Kumbakonam.

2.The General Manager,
Tamil Nadu State Transport Corporation
(Kumbakonam) Ltd.,
Kumbakonam Region,
Kumbakonam.

3.The Administrator,
Tamil Nadu State Transport Corporation
Pension Fund Trust,
Thiruvalluvar Illam,
Pallavan Salai,
Chennai-600 002.

... Respondents

Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondents to revise the petitioners pay in the Post of Checking Inspector with retrospective effect from 01.09.2010 in terms of Government Order in G.O.MS.No.61 Transport (C) Department dated 30.04.2015 and further directing the respondents to pay the difference amount in petitioner's salary from 01.09.2010 to 30.11.2013 and to pay difference in petitioner's retirement benefits including difference in monthly pension, gratuity, leave salary, commuted value of pension and all other attendant benefits payable to the petitioner from 01.12.2013 to till date together with interest at the rate of 18% per annum.

For Petitioner : Mr.A.Rahul
For R1 & R2 : Mr.D.Sivaraman
For R3 : Mr.A.P.Muthupandian



ORDER

Initially, the petitioner was employed as a Conductor in the respondents Transport Corporation and later on, promoted as Checking Inspector. He retired from service on 30.11.2013.

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2.The grievance of the petitioner is that he is entitled to revision of scale of pay in the post of Checking Inspector as per G.O.Ms.No.61, Transport (C) Department, dated 30.04.2015 and also as per the Settlement 22.01.2011. Since his pay has not been revised, he made a representation dated 22.10.2016 therefor and that the same has not been considered. Therefore, the petitioner has sought for this Writ of Mandamus, directing the respondents to grant 4th and 5th review benefits to him and to revise his pay in the post of Checking Inspector with retrospective effect from 01.09.2010, in terms of G.O.Ms.No.61, Transport (C) Department, dated 30.04.2015 and also as per the Settlement dated 22.01.2011 and further directing the respondents to pay him the difference amount in his salary and to pay difference in his retirement benefits, including difference in monthly pension, gratuity, leave salary, commuted value of pension and all other attendant benefits payable to the petitioner from 01.12.2013 to till date together with interest at the rate of 18% per annum.

3.Learned counsel for the respondents submitted that it is agreeable for the respondents to consider the representation of the petitioner dated 22.10.2016 and to pass orders.

4.Recording the above submission, this Writ Petition is disposed of directing the respondents to consider the representation of the petitioner dated 22.10.2016, in the light of G.O.Ms.No.61, Transport (C) Department, dated 30.04.2015 and also as per the Settlement dated 22.01.2011 and to 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. No costs.

Sd/-

Assistant Registrar(As)

/True copy/

Sub Assistant Registrar

+1cc to Mr.A.Rahul, Advocate SR.NO.70156

+1cc to Mr.D.Sivaraman, Advocate SR.No.70045

mj

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17.11.2016