



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 30.11.2016

CORAM :

THE HONOURABLE DR.JUSTICE S.VIMALA
W.P (MD) No.22827 of 2016

WEB COPY

R.Rajendran

... Petitioner

vs.

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

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

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

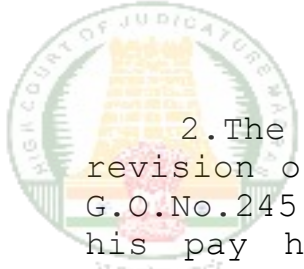
... Respondents

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 petitioner's last drawn pay by taking dearness allowance at the rate of 107% of the basic pay and grade pay as per Tamilnadu G.O.No.245 Finance (Allowances) Department dated 10.10. 2014 and extend pay revision at the rate of 5.5% of basic pay and grade pay with effect from 01.09.2013 to him and consequently direct the Respondents to compute and pay him the difference amount in gratuity leave salary pension by taking into account revised rate of dearness allowance i.e. at the rate of 107% of basis pay + Grade pay as fixed in G.O.No.245, Finance (Allowances) Department dated 10.10.2014.

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 Driver in the respondents Transport Corporation and later on, promoted as Driving Instructor. He retired from service on 30.09.2014.



2.The grievance of the petitioner is that he is entitled to revision of scale of pay in the post of Driving Instructor as per G.O.No.245 Finance (Allowances) Department dated 10.10.2014. Since his pay has not been revised, he made a representation dated 23.06.2016 therefor and that the same has not been considered. Therefore, the petitioner has sought for this Writ of Mandamus, seeking direction to the respondents to revise the petitioner's last drawn pay by taking into account the dearness allowance at the rate of 107% of the basic pay and grade pay as per Tamilnadu G.O.No.245 Finance (Allowances) Department dated 10.10. 2014 and extend pay revision at the rate of 5.5% of basic pay and grade pay with effect from 01.09.2013 to him and consequently direct the Respondents to compute and pay him the difference amount in gratuity, leave salary, pension by taking into account revised rate of dearness allowance i.e. at the rate of 107% of basis pay + Grade pay as fixed in G.O.No.245, Finance (Allowances) Department dated 10.10.2014.

3. Learned counsel for the respondents submitted that it is agreeable for the respondents to consider the representation of the petitioner dated 23.06.2016 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 23.06.2016, in the light of G.O.No.245, Finance (Allowances) Department dated 10.10.2014 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 (CS-I)

/True Copy/

Sub Assistant Registrar

+1 cc to Mr. A.RAHUL, Advocate, Sr.No:74178

+1 cc to Mr. D.SIVARAMAN, Advocate, Sr.No:74562

MJ

SM-JM:17.02.2017:2P/3C

W.P (MD) No.22827 of 2016
30.11.2016