



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.11.2016

CORAM :

THE HONOURABLE DR.JUSTICE S.VIMALA

W.P (MD) No.22862 of 2016

R.Sarangapani

... Petitioner

vs.

- 1.The Managing Director,
Tamil Nadu State Transport
Corporation (Kumbakonam) Ltd.,
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 House,
Pallavan Salai, Chennai-600 002.

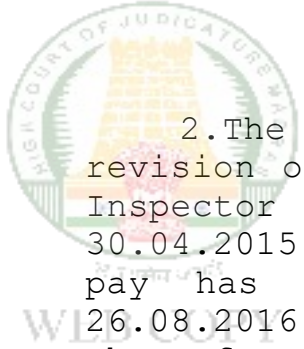
... Respondents

Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned order passed by the 2nd respondent in Ref: Tha.Aa.Po.Ka.(Ku)/Nir5/2016 dated 22.09.2016 quash the same and consequently direct the respondents to revise the petitioners pay in the post of Checking Inspector by taking into account G.O.Ms.No. 61 Transport Department dated 30.04.2015 and settlement signed under Section 12(3) of the I.D.Act dated 13.04.2015 and to pay arrears of salary and arrears of terminal benefits, within the time limit fixed by this Court.

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 Selection Grade Checking Inspector. He retired from service on 31.05.2016.



2.The grievance of the petitioner is that he is entitled to revision of scale of pay in the post of Selection Grade Checking Inspector as per G.O.Ms.No.61, Transport (C) Department, dated 30.04.2015 and also as per the Settlement 13.04.2015. Since his pay has not been revised, he made a representation dated 26.08.2016 therefor and that the same has not been considered. Thereafter, he made another representation under RTI Act, to know the reason for the delay in disbursing the monetary benefits. The second respondent has given a reply dated 22.09.2016 stating that the difference in pay and difference in retiral benefits will be settled only when all other employees are paid. Challenging the same, this writ petition has been filed to quash the order passed by the second respondent dated 22.09.2016 and also sought a direction to the respondents to revise the petitioner's pay in the post of Checking Inspector by taking into account G.O.Ms.No.61, Transport Department dated 30.04.2015 and settlement signed under Section 12(3) of the Industrial Disputes Act dated 13.04.2015 and to pay arrears of salary and arrears of terminal benefits.

3.Learned counsel for the respondents submitted that it is agreeable for the respondents to consider the representation of the petitioner dated 26.08.2016 and to pass orders.

4.In view of the submission made by the learned counsel for the respondents, this Writ Petition is allowed and the impugned order dated 22.09.2016 is quashed and the respondents are directed to consider the representation of the petitioner dated 26.08.2016, in the light of G.O.Ms.No.61, Transport (C) Department, dated 30.04.2015 and also as per the Settlement dated 13.04.2015 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. Consequently, WMP(MD)No.16350 of 2016 is closed.

Sd/-

Assistant Registrar(CSII)

/True Copy/

Sub Assistant Registrar

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TO

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



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

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

+1cc to Mr.A.Rahul Advocate Sr.No. 74179

+1cc to Mr.D.Sivaraman Advocate Sr.No. 74565

JAM/20.12.16/SS 2/ 3p-6c

W.P (MD) No.22862 of 2016
30.11.2016