

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 01.06.2017

Coram:

The Hon'ble Mr.Justice T.RAJA

Writ Petition Nos.6137 to 6139 of 2017

R.Ramasamy .. Petitioner in W.P.6137/2017

K.Rajendran .. Petitioner in W.P.6138/2017

P.Sivaji ... Petitioner in W.P.6139/2017

Versus

1.The Managing Director,
Tamil Nadu State Transport
Corporation Limited (Villupuram),
Salamedu, Vazhuthareddy Post,
Villupuram.

2.The Administrator,
Tamil Nadu State Transport
Corporation Employees Post
Retirement Welfare Fund Scheme,
Thiruvalluvar House,
Pallavan Salai, Chennai-600 002.

..Respondents in all WPs

Writ Petition filed under Article 226 of the Constitution of India, seeking to issue a writ of mandamus directing the Respondents (1) W.P.No.6137 of 2017: to disburse the arrears of salary for 5 months i.e., from 1.9.2013 to 31.1.2014, Gratuity, Pension, commutation, Earned Leave balance as on 31.1.2014 by revising the scale of pay of the petitioner on the basis of the settlement award dated 13.4.2015 with interest at 12% per annum with effect from 01.2.2014 to the petitioner within stipulated time.

(2) W.P.No.6138 of 2017: to disburse the arrears of salary for 8 months i.e., from 1.9.2013 to 30.04.2014, Gratuity, Pension, commutation, Earned Leave balance as on 30.04.2014 by revising the scale of pay of the petitioner on the basis of the settlement award dated 13.4.2015 with interest at 12% per annum with effect from 01.5.2014 to the petitioner within stipulated time.

(3) W.P.No.6139 of 2017: to disburse the arrears of salary for 13 months i.e., from 1.9.2013 to 30.9.2014, Gratuity, Pension,

commutation, Earned Leave balance as on 30.09.2014 by revising the scale of pay of the petitioner on the basis of the settlement award dated 13.4.2015 with interest at 12% per annum with effect from 01.10.2014 to the petitioner within stipulated time.

For Petitioner .. Mr.I.C.Vasudevan

For Respondents .. Mr.P.Paramasivadoss

COMMON ORDER

The petitioner in W.P.No.6137 of 2017 was working as Special Grade Conductor in the first respondent Corporation and got retired from service on 31.1.2014. The petitioner in W.P.No.6138 of 2017 was working as Special Grade Driver in the first respondent Corporation and got retired from service on 30.09.2014. The petitioner in W.P.No.6139 of 2017 was working as Special Grade Conductor in the first respondent Corporation and got retired from service on 30.04.2017.

2.The grievance of the petitioners is that there was a settlement award dated 13.4.2015 passed by the Special Assistant Commissioner of Labour with regard to pay fixation of the employees of the Transport Corporation and the same was given effect to from 1.9.2013.

3.As per the new settlement, the petitioner in W.P.No.6137 of 2017 is entitled to the basic pay of Rs.11,930/-, Dearness Allowance of Rs.14,130/- and in total Rs.28,260/- and hence there is arrears of salary and other benefits of Rs.7,400/- prior to retirement and Rs.27,380/- after the retirement till January 2017. The petitioner is entitled to get the arrears of salary for 5 months i.e. From 1.9.2013 to 31.1.2014, Gratuity, Pension commutation, Earned Leave balance as on 31.1.2014 as per the revised scale of pay on the basis of the settlement award dated 13.4.2015.

4.As per the new settlement, the petitioner in W.P.No.6138 of 2017 is entitled to the basic pay of Rs.13,210/-, Dearness Allowance of Rs.15,510/- and in total Rs.31,020/- and hence there is arrears of salary and other benefits of Rs.12,960/- prior to retirement and Rs.27,540/- after the retirement till January 2017. The petitioner is entitled to get the arrears of salary for 8 months i.e., from 1.9.2013 to 30.04.2014, Gratuity, Pension commutation, Earned Leave balance as on 30.04.2014 as per the revised scale of pay on the basis of the settlement award dated 13.4.2015.

5.As per the new settlement, the petitioner in W.P.No.613 of 2017 is entitled to the basic pay of Rs.12,770/-, Dearness Allowance of Rs.16,125/- and in total Rs.31,195/- and hence there is arrears of salary and other benefits of Rs.21,255/- prior to retirement and Rs.23,722/- after the retirement till December, 2016. The petitioner is entitled to get the arrears of salary for 13 months i.e. From 1.9.2013 to 30.09.2014, Gratuity, Pension commutation, Earned Leave balance as on 30.09.2014 as per the revised scale of pay on the basis of the settlement award dated 13.4.2015.

6.The first Respondent failed to revise the scale of pay of the petitioners. In this regard, the petitioners made representation to the Respondents on 19.1.2017, 02.01.2017 and 19.1.2017 in person but so far the Respondents have not taken steps to settle the arrears of terminal benefit. Hence, they have come forward with the present writ petitions.

7.Mr.P.Paramasivadosh, learned Standing Counsel appearing for the Respondents taking notice, sought for six weeks time to consider the petitioners representation.

8.This Court accepting the request of the learned Standing Counsel for the Respondents, directs the Respondents to dispose of the petitioners representation dated 19.1.2017, 02.01.2017, and pass appropriate orders on merit and in accordance with law within a period of six weeks from the date of receipt of copy of this order.

9.All these writ petitions are disposed of accordingly. No costs.

Sd/-

Asst.Registrar (CCC)

/true copy/

Sub Asst. Registrar

gr.

To:

- 1.The Managing Director,
Tamil Nadu State Transport
Corporation Limited (Villupuram),
Salamedu, Vazhuthareddy Post,
Villupuram.

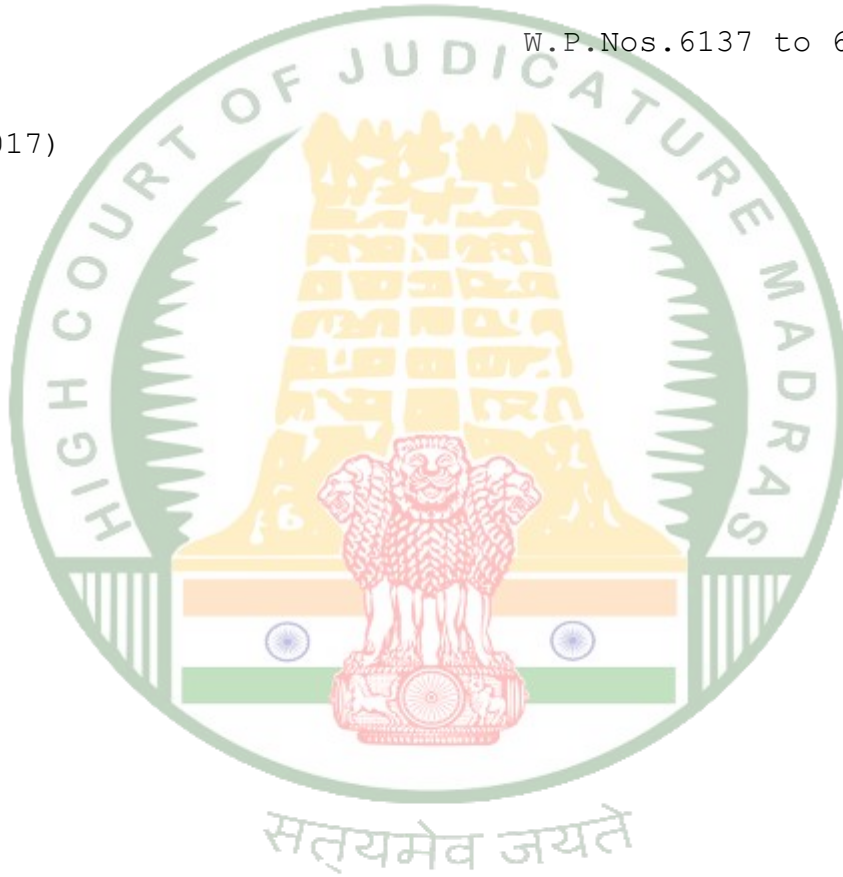
2.The Administrator,
Tamil Nadu State Transport
Corporation Employees Post
Retirement Welfare Fund Scheme,
Thiruvalluvar House,
Pallavan Salai, Chennai-600 002.

+1cc to Mr.P.Paramasivadoss,Advocate sr.39640

+3cc to Mr.I.C.Vasudevan,Advocate sr.39495,39496,39497

W.P.Nos.6137 to 6139 of 2017

lrs(co)
ss(13/6/2017)



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