

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:30.01.2017

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.2053/2017

R.Rajendran

.. Petitioner

Vs

1.The Managing Director,
Tamilnadu State Transport Corporation Ltd,
Salem Division-I,
12, Ramakrishnan Salai,
Salem & District.

2.The General Manager(Operation),
Tamilnadu State Transport Corporation Ltd.,
Salem Division,
12, Ramakrishnan Salai,
Salem & District.

.. Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the 2nd respondent to fix the revised scale of pay by taking into consideration of the reduction of punishment awarded to the petitioner by the 1st respondent and also to fix the pay scale as per second and third review settlement and to pay the arrears of salary to that effect to the petitioner by taking into consideration of the petitioner's representation dated 16.02.2016 within the time fixed by this Court.

For Petitioner : Mr.I.C.Vasudevan
For Respondents : Mr.R.K.Gandhi

ORDER

By consent, the writ petition is taken up for final disposal. Mr.R.K.Gandhi, learned counsel accepts notice on behalf of the respondents.

2 The petitioner joined the services of the Tamil Nadu State Transport Corporation Limited [respondents] on 11.03.1993 as a Driver with Staff No.DR 2828 and while he was in service, he was visited with two Departmental Proceedings and was initially awarded the punishment of stoppage of two increments with cumulative effect and on appeal, it was modified to one of stoppage of two increments without cumulative effect, vide order dated 13.06.2013 and yet another punishment of stoppage of increment for six months with cumulative effect and on appeal, it was modified to one of stoppage of increment for six months without cumulative effect, vide order dated 19.06.2013. The petitioner, on attaining the age of superannuation, was permitted to retire from service on 30.04.2016.

3 The learned counsel for the petitioner would submit that in the light of the fact that the orders of punishment of postponing the increments with cumulative effect have been modified to one of

postponement of increments without cumulative effect and that the petitioner is also eligible for the third review of his pay fixation for the year 2015, has submitted a representation dated 16.02.2016 to the respondents and though it was received and acknowledged on 17.02.2016, it is yet to be given disposal and therefore, the petitioner is constrained to approach this Court by filing the present writ petition.

4 The Court heard the submission of Mr.R.K.Gandhi, learned Standing Counsel appearing for the respondents and perused the typed set of documents.

5 Though the petitioner has prayed for a larger relief, this Court, in the light of the above facts and circumstances and without going into the merits of the claim projected by the petitioner, directs the respondents 1 and 2 to consider and dispose of the petitioner's representation dated 16.02.2016 on merits and in accordance with law and pass orders within a period of eight weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner.

M.SATHYANARAYANAN, J.,

AP

6 The writ petition stands disposed of with the above direction. No costs.

30.01.2017

Index : No

Internet : Yes

AP

To

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