

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 22.11.2018
CORAM

THE HON'BLE DR.JUSTICE S.VIMALA
W.P.No.30608 of 2018

1.M.Thangam
2.G.M.Balan
3.K.Govindan
4.M.Abdul Khadar
5.S.Kalidoss

... Petitioners

Vs

1.The Secretary to Government
Transport Department, Fort St.George
Chennai - 600 009.

2.The Managing Director
Metropolitan Transport Corporation
Pallavan Salai, Chennai 600 002.

.... Respondents

For Petitioner : Mr.S.Sivakumar

For Respondents : Mr.K.RajendraPrasad,
Addl.Govt.Pleader-For R1

Mr.P.Kannan Kumar, Standing Counsel - For R2

Prayer : Writ Petition filed under Article 226 of the Constitution of India seeking a writ of Mandamus to direct the respondents to rectify the pay / pension anomaly and to fix the pay by sanctioning the left over 3rd, 4th and 5th review benefits and merging grade pay with such revised pay and to enhance the pension along with applicable dearness allowance by considering the representation of the petitioner dated 0205.2018 within reasonable time.

सतयमेव जयते
O R D E R

The petitioners were appointed as "Conductors" and were subsequently promoted as "Checker / Time Keeper / Traffic Inspector" etc. They have also retired from service and their services were meritorious throughout and there were no adverse remarks. The petitioners are covered under the wage agreement under Section 12(3) of the Industrial Disputes Act, which is in force from 01.09.2007 and changes have been made in the review benefits from time to time. The modified agreement came into effect on 01.09.2010, in which it was stipulated that for those who joined service in between 2001 to 2006, their date of joining will be taken into account instead of their date of confirmation for the purpose of sanction of review benefits.

2. Learned counsel for the petitioners submits that though it was provided that the crucial date will be the date of joining and not date of confirmation, the petitioners were not given the benefits neither as per the cadre nor as per the aforesaid 12(3) settlement. In this regard, the petitioners had sent a detailed representation to the respondents on 02.05.2018, seeking rectification of the pay / pension anomaly, fixation of pay by sanctioning the left over 3rd, 4th and 5th review benefits, merging grade pay with such revised pay and to enhance the pension along with applicable dearness allowance. The said representation has not been considered till date and hence the petitioners have approached this Court for appropriate relief.

3. Mr. Rajendra Prasad, learned Additional Government Pleader takes notice on behalf of the first respondent and Mr. Kannan Kumar, learned Standing Counsel takes notice on behalf of the second respondent.

3. Heard the learned counsel appearing on either side and perused the materials available on record.

4. In view of the limited relief sought for, this Court is of the view that it is not necessary to dwell into the merits of the issue, but it would suffice to direct the respondents to consider the representation of the petitioners dated 02.05.2018 and pass orders on the same within a particular time frame.

5. In the above circumstances, this writ petition is disposed of directing the 1st respondent to consider the representation of the petitioners dated 02.05.2018 and pass orders thereon, in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order. NO costs.

Sd/-

Assistant Registrar(CS vi)

//True Copy//

Sub Assistant Registrar

KST

To

1.The Secretary to Government
Transport Department, Fort St.George
Chennai - 600 009.

2.The Managing Director
Metropolitan Transport Corporation
Pallavan Salai, Chennai 600 002.

+1cc to Mr.S.Sivakumar , Advocate SR.No. 79684

W.P.No.30608 of 2018

ASK(14/12/2018)