

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 13.11.2018

CORAM

THE HONOURABLE Mr.JUSTICE D.KRISHNAKUMAR

W.P.No.29489 of 2018

G. Ganesan

..Petitioner

Vs

1. The Managing Director
Tamil Nadu State Transport Corporation
(Villupuram) Ltd,
3/137, Salamedu, Vazhudhareddy,
Villupuram 605 602.
2. The General Manager
Tamil Nadu State Transport Corporation
(Villupuram) Ltd,
Thiruvannamalai Region
Thiruvannamalai.
3. The Adminstrator,
Tamil Nadu State Transport Corporation
Employees Pension Fund Trust,
No.2, Pallavan Salai,
Chennai - 600 002.

..Respondents

Prayer:-

The Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Mandamus to direct the Respondents to revise the pay scale of the Petitioner in the post of Checking Inspector from 01.09.2010, as per Clause 5 of the 13th wage settlement entered by the Union and the management of the State Transport Undertaking on 04.01.2018 as under section 12(3) of the Industrial Disputes Act, 1947 and also to revise the pay scales of the Petitioner and to consequently revise the pay scales in the post of Traffic Inspector from 25.05.2013 in the time scale of pay of Rs.9,300-34,800 along with a grade pay of Rs.4,400 and to revise the quantum of Earned Leave, pensionary and gratuity based on the revised pay scales payable to the petitioner and to pay the difference of gratuity, commutation along with difference of pension from 01.07.2014, along with the difference of wages payable.

For Petitioner : M/s.P.Paramasiva Doss

For Respondents : Mr.Antony Arokia Raj
Standing Counsel for Transport Corporation

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ORDER

Learned standing counsel takes notice for the respondent corporation. At the time of hearing, learned counsel for the petitioner submitted that the respondents may be directed to consider his representation and pass orders in accordance with law.

2. The learned counsel for the petitioner submitted that the petitioner was initially joined as Casual Conductor on 30.04.1981 in the 1st Respondent Corporation, and after completion of 240 days, the petitioner was brought under the regular time scale of pay on 01.03.1983 and was promoted to the post of Checking Inspector on 25.01.2010 and promoted to the post of Traffic Inspector on 25.05.2013 and was retired from service on 31.05.2014.

3. The petitioner was drawing a pay scale of Rs.9,300-34,800 and a Grade Pay of Rs.4,400 with effect from 25.05.2013. The post of Checking Inspector was fixed with a pay band of 5645-135-6590-145-9925 with Grade Pay of Rs.2,250/-. According to the learned counsel for the petitioner, 12(3) settlement was entered into between the Management and various Trade Unions of the Tamil Nadu State Transport Corporation for the purpose of fixing the terms and conditions of the employment from 01.09.2016 to 31.08.2019. Clause 5 of the settlement enables for revising the pay scale of the employees working in the post of Checking Inspector/Driving Inspector along with Security Supervisors.

4. Accordingly, the grade pay of the said 3 posts was re-fixed from Rs.2,250 to Rs.4,300 and the said revision of grade pay was directed to be done notionally from 01.09.2010. Accordingly, the Management was directed to pay the PF contributions for the differential grade pay to the beneficiaries.

5. Even though, the said settlement was entered into between the parties, is in force from 01.09.2010, such benefits, were not extended to the beneficiary till date. Hence, petitioner made representation to the first respondent on 02.04.2018. But till now, no order has been passed. Hence the petitioner has filed the present writ petition for the aforesaid prayer.

6. Considering the limited scope of prayer sought for by the learned counsel for the petitioner, without expressing any opinion on merit, this court is inclined to direct the 1st respondent to consider the petitioner's representation dated 02.04.2018 on merits and pass orders in accordance with law, within a period of 8 weeks from the date of receipt of copy of this order.

7. The writ petition is disposed of with the above directions. No costs.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

pds

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+1cc to M/s.P.Paramasiva Doss, Advocate, S.R.No.77356
+1cc to Mr.Antony Arokia Raj, Advocate, S.R.No.77422

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