

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.12.2018

CORAM :

THE HONOURABLE MR. JUSTICE D. KRISHNAKUMAR

W.P. No. 32009 of 2018
and
W.M.P. No. 37267 of 2018

1. K. Haridass
2. P. Sekar

.. Petitioners

Vs.

1. The Managing Director
Tamil Nadu State Transport
Corporation (Villupuram) Ltd.,
3/137, Salamedu, Vazhuhareddy
Villupuram - 605 602.
2. The General Manager
Tamil Nadu State Transport
Corporation (Villupuram) Ltd.,
Thiruvannamalai
Thiruvannamalai - 606 604.
3. The Administrator
Tamil Nadu State Transport
Corporation Employees Pension
Fund Trust, No.2 Pallavan Salai
Chennai- 600 002.

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents to implement the Clause 1 & Clause 5 of terms of the settlement entered on 04.01.2018 as under Section 12(3) of the Industrial Disputes Act, 1947 and to consequently revise the pay scales of the petitioners in the post of Checking Inspector from 01.09.2010 and to consequently revise the pay scales in the post of Checking Inspector from 01.09.2010 in the time scale of pay of 9300-34800 along with a grade pay of Rs.4300 along with revising the pay scale and pay the differential terminal benefits viz. quantum of Earned Leave and to rework the pensionary and gratuity calculations based on the revised pay scales and to pay the difference of gratuity, commutation along with difference of pension and also to revise the dearness allowance and rate of pension by effecting the revision of pay scale as per Clause 1 of the settlement and to pay arrears of pension.

For Petitioners : Mr.P. Paramasivados

For Respondents : Mrs. Rajeni Ramadass

O R D E R

This writ petition is filed seeking to direct the respondents to implement the Clause 1 & Clause 5 of terms of the settlement entered on 04.01.2018 as under Section 12(3) of the Industrial Disputes Act, 1947 and to consequently revise the pay scales of the petitioners in the post of Checking Inspector from 01.09.2010 in the time scale of pay of 9300-34800 along with a grade pay of Rs.4300 and pay the differential terminal benefits and the arrears of pension.

2. Mrs. Rajeni Ramadass, learned counsel takes notice for the respondents Corporation. With the consent of both the parties, the main Writ Petition is taken up for final disposal, at the stage of admission itself.

3. The learned counsel for the petitioners would submit that the petitioners, in the post of Traffic Inspector, were drawing a pay in the scale of Rs.9300-34800 and a Grade Pay of Rs.4400/- with effect from 25.01.2013. The post of Checking Inspector was fixed with a pay band of Rs.5645-135-6590-145-9925 with Grade Pay of Rs.2250/-. The Management and the Trade Union entered into a Wage Settlement, revising the Grade Pay and other allowances of the Checking Inspector/ Traffic Inspector and Security Guards. The revised benefit was extended to the retired employees also. The revision of pay was directed to be done notionally with effect from 01.09.2010. However, the said terms of Settlement was not implemented. Therefore, the petitioners made a representation to the respondents on 01.10.2018. No orders have been passed. Aggrieved by the same, the present writ petition is filed before this Court.

4. Although the petitioners have sought for the aforesaid prayer, the learned counsel for the petitioners have confined their relief by stating that it would suffice if the respondents Corporation is directed to consider the representation of the petitioners dated 01.10.2018, requesting to revise their pay scales, with effect from 01.09.2010, as per Clause 1 & Clause 5 of the terms of settlement entered on 04.01.2018, under Section 12(3) of the Industrial Disputes Act, 1947 and pay the differential terminal benefits and the arrears of pension. The learned counsel representing the Corporation would submit that the representation of the petitioners would be considered on merits and in accordance with law.

5. Considering the limited scope of prayer, without expressing any opinion on the merits of the case, this Court is inclined to direct the 1st respondent to consider the representation of the petitioners dated 01.10.2018 on merits and in accordance with law and pass orders, as expeditiously as possible, preferably within a period of twelve week from the date of receipt of a copy of this order. The writ petition is disposed of, accordingly. Consequently, the connected Miscellaneous Petition is closed. No order as to costs.

avr

Sd/-
Assistant Registrar (CS VIII)

//True Copy//

Sub Assistant Registrar

To

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 - 606 604.
3. The Administrator
Tamil Nadu State Transport
Corporation Employees Pension
Fund Trust, No.2 Pallavan Salai
Chennai- 600 002.

+1cc to M/S.Rajeni Ramadoss, Advocate, S.R.No.84355
+1cc to Mr.P.Paramasivadoss, Advocate, S.R.No.84777

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NMI (CO)
KAK (07/02/2019)