

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.12.2018

CORAM:

THE HON'BLE DR.JUSTICE S.VIMALA

W.P.No.32537 of 2018

R.Palanisamy

... Petitioner

Vs.

1. The Principal Secretary to Government,
Transport Department,
Tamil Nadu Government,
Secretariat,
Chennai - 600 009.
2. The Managing Director,
Tamil Nadu State Transport
Corporation (Salem) Ltd.,
Salem Division,
No.12, Ramakrishna Road,
Post Box No.713,
Salem - 636 007.
3. The General Manager,
Tamil Nadu State Transport
Corporation (Salem) Ltd.,
Salem Division,
No.12, Ramakrishna Road,
Post Box No.713,
Salem - 636 007.
4. The Administrator,
Tamil Nadu State Transport
Corporation Employees Pension Fund Trust,
Thiruvalluvar House, Pallavan Salai,
Chennai.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus, to direct the respondents to grant the petitioner 4th and 5th review benefits and revise his pay in the post of Senior Checking Inspector with retrospective effect from 01.09.2010 in terms of Government Order in G.O.Ms.No.61 Transport (C1) Department, dated 30.04.2015 and as per 12(3) Settlement dated 22.01.2011 and further direct the respondent to pay the difference amount

in his salary from 01.09.2010 to 30.04.2015 and to pay difference in his retirement benefits including difference in monthly pension, Gratuity, Leave Salary, Commuted Value of Pension and all other attendant benefits payable to him from 30.04.2015 to till date together with interest at the rate of 18% per annum.

For Petitioner : Mr.N.Sudhagar Nagaraj
For Respondents : Mr.A.N.Thambidurai,
Special Government Pleader

ORDER

This writ petition has been filed by the petitioner seeking a direction to the respondents to revise his scale of pay in the post of Senior Checking Inspector with retrospective effect from 01.09.2010 in terms of Government Order in G.O.Ms.No.61 Transport (C1) Department, dated 30.04.2015 and as per 12(3) Settlement dated 22.01.2011 and to pay the difference amount in his salary from 01.09.2010 to 30.04.2015 and to pay difference in his retirement benefits including difference in monthly pension, Gratuity, Leave Salary, Commuted Value of Pension and all other attendant benefits payable to him from 30.04.2015 to till date together with interest at the rate of 18% per annum.

2. The petitioner joined service of the 2nd respondent Corporation as Conductor with effect from 01.04.1998 and he was allowed to retire from service as Senior Checking Inspector (Traffic & Commercial) with effect from 30.04.2015.

3. According to the petitioner, in the settlement dated 22.01.2011 entered between the Management and the representatives of the Trade Unions, it was agreed that the basic pay of all permanent employees of the Transport Corporation in the State of Tamil Nadu would be revised from 01.09.2010. In terms of the said settlement, the Government issued G.O.Ms.No.61 Transport (C1) Department dated 30.04.2015 revising the scale of pay of the Checking Inspector with effect from 01.09.2010.

4. The petitioner claimed that in terms of the settlement dated 22.01.2011 and as per the G.O.Ms.No.61, dated 30.04.2015, his revised pay should be given with retrospective effect from 01.09.2010 till his date of retirement i.e.30.04.2015. The petitioner also claimed the difference amount in his salary from 01.09.2010 to 30.04.2015 and the pay difference in his retirement benefits including difference in monthly pension, Gratuity, Leave Salary, Commuted Value of Pension and all other attendant benefits payable to him from 30.04.2015 to till date

together with interest at the rate of 18% per annum. But, the same has not been paid to him. Hence, he submitted a representation dated 22.11.2018 to the respondents. This has not been considered by the respondents till date. Hence, this writ petition has been filed.

5. The learned counsel for the petitioner submitted that it would suffice, if the representation of the petitioner dated 22.11.2018 is directed to be considered by the respondents, within a stipulated time.

6. Having regard to the limited prayer sought for herein, this Court, without going into the merits of the case, directs the respondents to consider the representation of the petitioner dated 22.11.2018, in the light of in terms of the settlement dated 22.01.2011 and G.O.Ms.No.61, dated 30.04.2015, and to pass orders thereon, within a period of eight weeks from the date of receipt of a copy of this order.

7. With the above direction, the writ petition is disposed of. No costs.

Sd/-
Assistant Registrar

//True copy//

Sub Assistant Registrar

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To

1. The Principal Secretary to Government,
Transport Department,
Tamil Nadu Government,
Secretariat,
Chennai - 600 009.

2. The Managing Director,
Tamil Nadu State Transport
Corporation (Salem) Ltd.,
Salem Division,
No.12, Ramakrishna Road,
Post Box No.713,
Salem - 636 007.

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3. The General Manager,
Tamil Nadu State Transport
Corporation (Salem) Ltd.,
Salem Division,
No.12, Ramakrishna Road,
Post Box No.713,
Salem - 636 007.

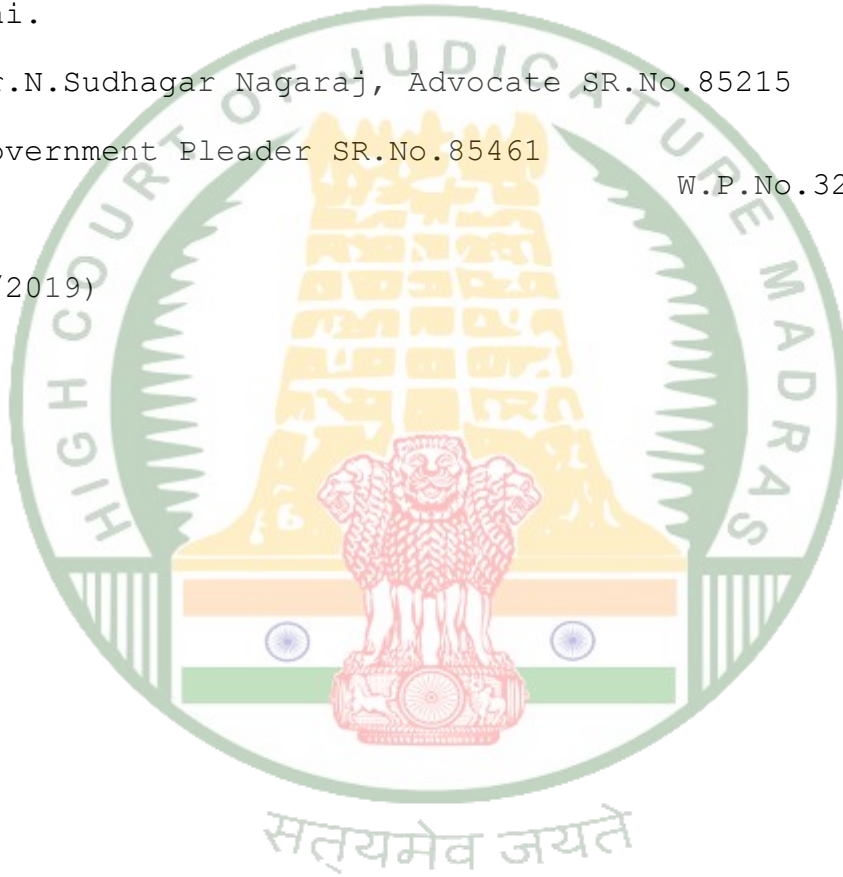
4. The Administrator,
Tamil Nadu State Transport
Corporation Employees Pension Fund Trust,
Thiruvalluvar House, Pallavan Salai,
Chennai.

+1cc to Mr.N.Sudhagar Nagaraj, Advocate SR.No.85215

+1cc to Government Pleader SR.No.85461

W.P.No.32537 of 2018

RSV(CO)
GMY(22/01/2019)



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