

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :25.09.2019

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.13191 of 2019

R.Rajagopal

..Petitioner

vs

Tamil Nadu State Transport,
Corporation (Kum) Ltd.,
Rep. by its Managing Director,
Railway Station New Road,
Kumbakonam.

.. Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondent to sanction 5th review, Grade pay of Rs.4200/-, 72% Dearness allowance and revised pension and consequential arrears of pay by considering the representation of the petitioner dated 08.04.2019.

For Petitioner : Mr.D.Soundar Raj
For Respondent : Mr.V.Kathiresan

ORDER

Writ Petition is filed for issuance of Writ of Mandamus, directing the respondent to sanction 5th review, Grade pay of Rs.4200/-, 72% Dearness allowance and revised pension and consequential arrears of pay by considering the representation of the petitioner dated 08.04.2019.

2. Heard the learned counsel for the petitioner and the learned counsel appearing for the respondent. By consent of both sides, the writ petition is taken up for final disposal at the admission stage itself.

3. The case of the petitioner is that he was appointed as Conductor and retired from service on 15.10.2012 on voluntary retirement. For calculation of pension, gratuity, commutation and payment towards leave salary, the respondent has taken the petitioner's basic pay as Rs.14,675/- without taking into account of 72% Dearness allowance which was sanctioned by the Principal Secretary to Government, Transport Department vide his Lr. (Ms) No.173 (D) Department, Secretariat, Chennai-600

009, addressing the Managing Directors of all State Transport Undertakings, accorded sanction for enhancement of Dearness allowance from 65% to 72% with effect from 01.07.2012. As per wage settlement (s.no.4 of settlement) entered on 22.01.2011 by the State Transport Undertaking which is applicable to the employees with effect from 01.09.2010, the petitioner is entitled for 5th review. His increment was sanctioned with effect from 01.11.2007 instead of 01.08.2007 which is the petitioner's due date after 4 months of due increment was sanctioned. Since the 5th review and the Grade pay of Rs.4200/- were postponed, the petitioner was unable to receive the grade pay and review benefits on the ground that he proceeded on voluntary retirement with effect from 15.10.2012 and the petitioner is getting minimum pension. Therefore, he made a representation dated 08.04.2019 to the respondent to sanction 5th review, Grade pay of Rs.4200/-, revised pension and 72% Dearness allowance and it was not considered till date. Since the representation of the petitioner has not been considered, the petitioner has filed the present petition with the aforesaid prayer.

4.The learned counsel for the petitioner submitted that, it would suffice if a direction is passed to the respondent to consider the representation of the petitioner dated 08.04.2019, within a reasonable time as fixed by this Court.

5.The learned counsel appearing for the respondent accede to the submission made by the learned counsel for the petitioner and submitted that if any such representation was received by the respondent, the same will be considered on merits and in accordance with law.

6.Thus, without going into the merits of the case, this Court is inclined to direct the respondent to consider the representation of petitioner dated 08.04.2019 and pass orders on merits and in accordance with law within a period of twelve weeks from the date of receipt of copy of this order.

7.With the above directions, the writ petition stands disposed of. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

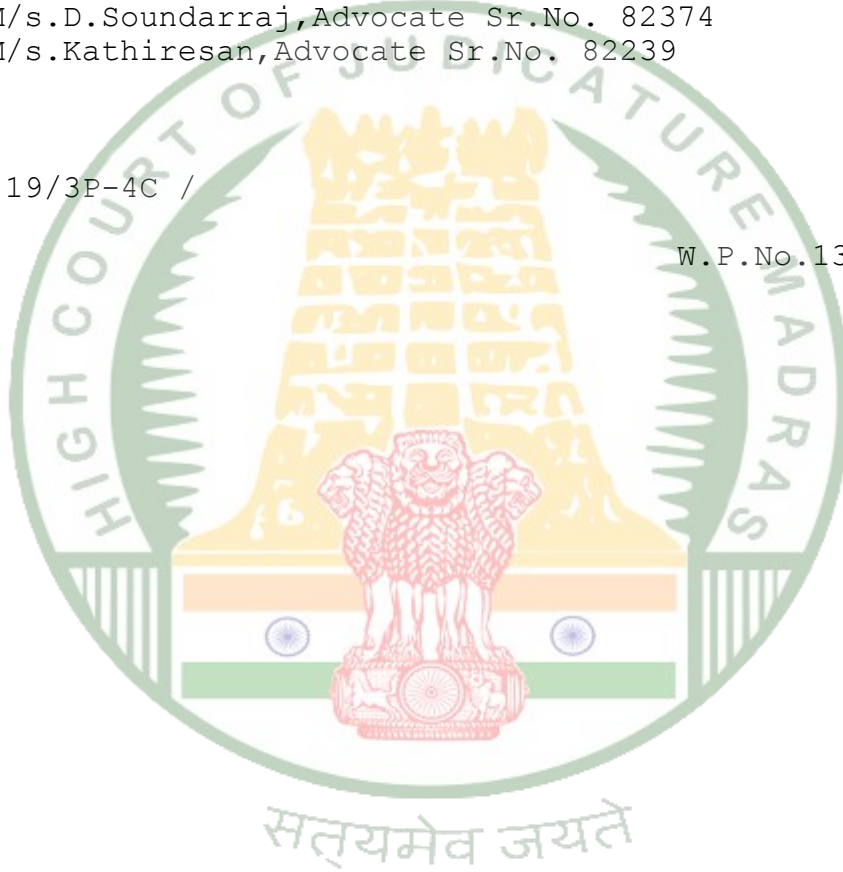
To

The Managing Director,
Tamil Nadu State Transport,
Corporation (Kum) Ltd.,
Railway Station New Road,
Kumbakonam.

+1 cc to M/s.D.Soundarraaj, Advocate Sr.No. 82374
+1 cc to M/s.Kathiresan, Advocate Sr.No. 82239

AKM/30.10.19/3P-4C /

W.P.No.13191 of 2019



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