

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED :26.11.2019
CORAM
THE HON'BLE MR.JUSTICE M.DHANDAPANI
W.P.No.23081 of 2019
and
W.M.P.Nos.22787, 22792 and 22794 of 2019

1.G.Janarthanan

2.C.Sekar

... Petitioners

vs

1.Union Territory of Puducherry,
Rep. by its Chief Secretary to Government,
Industrial Estate, Huzuga Theatre,
Thattanchavady, Puducherry-9.

2.Pondicherry Road Transport Corporation,
Represented by its managing Director,
Puducherry, Iyyanar Koil Street,
Raja Nagar, Puducherry-605 013.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to pass orders, directions, writs in particular a Writ of Certiorarified Mandamus, to call for the records and quash Office order No.284/PRTC/Amdn/2017/549 dated 16.07.2019 issued by the second respondent Corporation to the extent it is contrary to office order No.38/PRTC/ADMN/2018/200-A dated 08.03.2019 and reduces the petitioner's pay from the existing pay scale of Rs.9300-34800 plus Grade pay of 4200 to Rs.5200-20200 plus Grade pay of Rs.2800 and consequently direct the second respondent Corporation to pay the arrears of Salary from May, 2019 and the salary of the petitioners on time as per Office order No.38/PRTC/ADMN/2018/200-A dated 08.03.2019 along with the interest at the rate of 12%.

For Petitioners : M/s.N.S.Tanvi

For Respondents : Mr.A.V.Ramalingam

Additional Government Pleader for R1
Puducherry

Mr.A.R.Nixon for R2

O R D E R

The case of the petitioners is that they are working as conductors in the Second Respondent Corporation from 1991 to till date. In the year 2007 the second respondent Corporation has granted scale of pay with some disparity between the drivers and conductors. Therefore, the petitioners made several representations to the second respondent. The second respondent passed an order dated 26.09.2012 vide order No.297/PRTC/12/1051, had agreed to revise the Grade pay. Till date, it was never actually given effect to. Once again, in the year 2018 the Second respondent Corporation revised grade pay and pay band of conductors and drivers, which doubled the difference in pay between drivers and conductors, due to which the petitioners again made detailed representation dated 29.01.2018. Then, the second respondent Corporation passed an order 38/PRTC/ADMN/2018/200-A dated 08.03.2019, where it is stated that existing Grade pay has been raised to the next Grade Pay of Rs.4200/- to the conductors, Senior Grade Conductors and Checking Inspectors/Time Keeper with effect from 01.02.2019. Since, by order dated 08.03.2019, they have been paid salaries only up to the month of April, 2019. While they are waiting for our arrears in salary, the petitioners were promoted from the post of Senior Grade Conductor to the post of Checking Inspector. However, in the transfer order, their scale was reduced. Then, the petitioners made representation dated 25.07.2019 to the second respondent. Till date, their representation has not considered by the second respondent Corporation. Hence, the present writ petition was filed.

2.M/s.N.S.Tanvi, learned counsel appearing for the petitioners would submit that after considering representation and raising dispute finally the second respondent Corporation agreed to increase the Grade pay by an order dated 08.03.2019 and thereafter without issuing any notice, the second respondent Corporation reduced grade pay. Therefore, the petitioners made representation dated 25.07.2019, before the second respondent Corporation requesting that not to reduce the scale of pay and the grade pay. Hence, he prays to issue directions to the respondent to dispose of the representation dated 25.07.2019 and pass orders.

3.A.V.Ramalingam, learned Additional Government Pleader appearing for the first respondent and Mr.A.R.Nixon, learned counsel appearing for the second respondent agreed to receive an explanation from the petitioners and also agreed to pass an

appropriate orders after receiving the explanation submitted by the petitioners.

4. Considering the facts and circumstances of this case and considering the limited request made by the learned counsel for the petitioners, I am inclined to issue directions to the petitioners to give an explanation within a period of one week from the date of receipt of a copy of this order and thereafter the respondents are directed to receive the explanation submitted by the petitioners and pass appropriate orders within a period of six (6) weeks from the date of receipt of a copy of this order. With the above directions, the Writ Petitions are disposed of. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

tta

To

1. The Chief Secretary to Government,
Union Territory of Puducherry,
Industrial Estate, Huzuga Theatre,
Thattanchavady, Puducherry-9.
- 2.The managing Director,
Pondicherry Road Transport Corporation,
Puducherry, Iyyanar Koil Street,
Raja Nagar, Puducherry-605 013.

+1cc to Mr.A.R.Nixon, Advocate sr.98354
+1cc to Mr.D.Nagasaila, Advocate sr.98793
+1cc to Government Pleader SR.NO. 99057

W.P.No.23081 of 2019

pvs(co)
nr 09/01/2020