



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.04.2019

CORAM:

THE HONOURABLE MR. JUSTICE R. MAHADEVAN

WEB COPY

W.P(MD) No.5030 of 2018

V. Kesavan

... Petitioner

-Vs-

1.The Secretary to the government of Tamil Nadu,
Transport Department, St. Fort George,
Chennai.

2.The Managing Director,
Tamil Nadu State Transport Corporation,
Kumbakonam, Thanjavur District.

3.The General Manager,
Tamil Nadu State Transport Corporation,
Karaikudi, Sivagangai District.

... Respondents

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to pay the difference amount of salary from the date of the petitioner's appointment as reserve crew driver i.e., 05.03.2009 to regular appointment on 01.03.2016.

For Petitioner : Mr.S. Saji Bino
For R1 : Mr. V Anand
Government Advocate
For R2 and R3 : Mr. D. Sivaraman

ORDER

This Writ Petition is filed seeking to direct the respondents to pay the difference amount from the date of the petitioner's appointment as Reserve Crew Driver from 05.03.2009 to regular appointment as Driver i.e., till 01.03.2016.

2. The grievance of the petitioner is that he was appointed as Reserve Crew Driver from 05.03.2009 under the respondent / Transport Corporation and subsequently, he was confirmed on 01.03.2016. There is no difference in wages between the Reserve Crew Drivers and the regular Drivers. But, the petitioner was given lesser pay by the respondents. Claiming the difference amount of wages, for the period between 05.03.2009 to 01.03.2016 the petitioner sent a representation dated 06.11.2017. As there was no response to the same, the petitioner has filed this petition.



3. When the matter was taken up for consideration, the learned counsel appearing for the respondents raised serious objections with regard to the claim made by the petitioner, stating that the same is time barred.

4. The said submission made by the learned counsel for the respondents is refuted by the learned counsel appearing for the petitioner. According to him, this Court, vide order dated 24.01.2019 in W.P(MD).Nos. 23207 of 2018 etc., batch, held that the provisions of the Minimum wages Act are applicable to the Transport Corporation also and therefore, the plea of maintainability may no longer survive. Hence, he sought liberty to the petitioner, to produce the relevant materials along with calculation memo to the respondent authorities to consider his claim, which has been agreed on the side of the respondents.

5. In view of the above submissions, this Court, without going to the merits of the case, directs the petitioner to submit a fresh representation along with relevant materials to the respondents within a period of two weeks from the date of receipt of a copy of this order and on such submission, the respondents shall consider the same and pass appropriate orders, on merits and in accordance with law, after affording due opportunity of hearing to the petitioner, within a period of eight weeks thereafter.

6. With the above direction, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (Records)

/ True Copy /

Sub Assistant Registrar(CS)

trp

To:

The Secretary to the government of Tamil Nadu,
Transport Department, St. Fort George,
Chennai.

+1 CC to M/s.D.SIVARAMAN, Advocate (SR-59765[F] dated 09/04/2019)

+1 CC to M/s.S.SAJI BINO, Advocate (SR-60036[F] dated 10/04/2019)

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