



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.03.2019

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P(MD) No.4148 of 2019

K.Balajothi

... Petitioner

vs.

1.The Management of Tamil Nadu
State Transport Corporation (Kumbakonam) Ltd.,
rep.by its Managing Director,
Kumbakonam.

2.The Administrator,
Tamil Nadu State Transport Employees
Pension Fund Trust,
Thiruvalluvar Illam,
Anna Salai, Chennai - 2.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of mandamus directing the 1st respondent to revise the scale of pay of the petitioner w.e.f. 01/09/2016 based on the new wage settlement dated 04/01/2018 and consequently to pay him difference / arrears of wages for the period from 01/09/2016 to 31/12/2017 and also the difference in his terminal benefits namely Gratuity, Encashment of Leave, after revising the same based on such re-fixed scale of pay payable to him on the month of his retirement together with 18% interest per annum and further directing the respondents to revise the pension with effect from January, 2018, based on such re-fixed scale of pay payable to the petitioner on the month of the retirement and to pay the arrears of the same for the period from January, 2018 together with 18% interest per annum.

For Petitioner : Mr.S.Arunachalam

For Respondents : Mr.D.Sivaraman

ORDER

Seeking a direction to the first respondent to revise the scale of pay with effect from 01.09.2016, based on the new wage settlement dated 04.01.2018 and to pay the difference / arrears of wages for the period from 01.09.2016 to 31.12.2017 and terminal benefits namely gratuity, encashment of leave etc., to the petitioner, the present writ petition has been filed.



2. Heard the learned counsel appearing for the petitioner and the learned Standing Counsel for the respondents.

3. According to the learned counsel for the petitioner, the petitioner was employed as a Conductor. He retired from service on 31.12.2017. His grievance is that he is entitled to revision of scale of pay in terms of the settlement dated 04.01.2018. Since his scale of pay was not revised, he made a representation dated 25.10.2018 to the respondents and the same has not been considered so far. Hence, this writ petition.

4. The learned Standing Counsel for the respondents submitted that the representation of the petitioner would be considered on merits and appropriate orders be passed.

5. In view of the above submission, this Writ Petition is disposed of, directing the respondents to consider the representation of the petitioner dated 25.10.2018, in the light of the new wage settlement dated 04.01.2018 and pass appropriate orders on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order. In case, if the petitioner is found eligible, the eligible amount shall be disbursed to him within a period of two months thereafter. No costs.

Sd/-

Assistant Registrar (Writs)

// True Copy //

Sub Assistant Registrar (CS)

mj

To

1. The Managing Director,
Management of Tamil Nadu
State Transport Corporation (Kumbakonam) Ltd.,
Kumbakonam.

2. The Administrator,
Tamil Nadu State Transport Employees
Pension Fund Trust,
Thiruvalluvar Illam,
Anna Salai, Chennai - 2.

+1CC TO MR.D.SIVARAMAN, Advocate Sr. No.54046

+1CC TO MR.S.ARUNACHALAM, Advocate Sr. No. 54220

W.P(MD) No.4148 of 2019

14.03.2019