



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.10.2019

CORAM:

WEB COPY

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P. (MD) No.22201 of 2019

T.Francis Xavier

... Petitioner

-Vs-

- 1.The Management of Tamil Nadu State
Transport Corporation (Kumbakonam) Limited,
Represented by its Managing Director,
Kumbakonam.
 - 2.The General Manager,
Tamil Nadu State Transport Corporation
(Kumbakonam) Limited,
Trichy Region, Trichy.
 - 3.The Administrator,
Tamil Nadu State Transport Corporation Pension Fund Trust,
Thiruvalluvar House, Pallavan Salai,
Chennai - 2.
- ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents 1 to 3 to revise the petitioner's pay and grade pay in terms of pay revision given under G.O.Ms.No.61, Transport Department, dated 30.04.2015 and in terms of Clause 5 of settlement under Section 12 (3) of the I.D.Act dated 04.01.2018 with retrospective from 07.05.2012 and consequently direct the respondents to revise his terminal benefits namely gratuity, earned leave salary, commuted value of pension and monthly pension based on the pay revision given in the above G.O. and settlement from the date of his retirement and to disburse the difference amounts in the gratuity, earned leave salary, commuted value of pension and monthly pension together with interest at the rate of 18% per annum payable from the date when it became due to till the date of actual payment within the time limit that may be fixed by this Court.

For Petitioner : Mr.A.Rahul

For Respondents : Mr.P.Balasubramanian



ORDER

The petitioner has come out with the present writ petition for a direction to the respondents 1 to 3 to revise the pay and grade pay in terms of pay revision given under G.O.Ms.No.61, Transport Department dated 30.04.2015 and in terms of Clause 5 of settlement entered under Section 12(3) of the I.D.Act, dated 04.01.2018 with retrospective effect from 07.05.2012 and consequently, direct the respondents to revise the terminal benefits of the petitioner.

2.Mr.P.Balasubramanian, learned counsel takes notice for the respondents. By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

3.The learned counsel appearing for the petitioner submitted that the petitioner has joined in the service of the respondent Corporation with effect from 13.10.1981. He was promoted as Checking Inspector on 07.05.2012. He retired from service on 31.05.2015. The service conditions of Workmen of Transport Corporations is governed by settlements signed under Section 12(3) of the I.D. Act. The Settlement, dated 22.01.2011, provided for wage revision to all the transport employees/workmen from 01.09.2010. But, the Checking Inspectors and Driving Instructors were excluded in the above settlement. The respondent Transport Corporation agreed to revise the pay of the Checking Inspectors and Driving Instructors from 01.09.2010 in consultation with the Government. Accordingly, the Government of Tamil Nadu, by G.O.Ms.No.61, Transport Department, dated 30.04.2015, revised the pay of the Checking Inspectors and Driving Instructors with retrospective effect from 01.09.2010 and Pay of all the Senior Checking Inspectors were revised.

4.The learned counsel appearing for the petitioner further submitted that the petitioner is entitled to get revised scale of pay, given under G.O.Ms.No.61. But, the respondents have not revised the petitioner's pay. Hence, the petitioner sent a representation dated 22.08.2019, but no order has been passed by the respondents, so far. Hence, the petitioner is before this Court.

5.Heard Mr.A.Rahul, learned counsel appearing for the petitioner, Mr.P.Balasubramanian, learned counsel appearing for the respondents.

6.Considering the nature of relief and the facts of the case, without deciding the issues on merits, the respondents are directed to consider the representation of the petitioner, dated 22.08.2019 on merits and pass orders in accordance with law, within a period of twelve (12) weeks from the date of receipt of a copy of this order.



7. With the above direction, this Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar (AD-I)

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// True Copy //

Sub Assistant Registrar

+1 CC to M/s.A.RAHUL, Advocate (SR-93295[F] dated 21/10/2019)

+1 CC to M/s.P.BALASUBRAMANIAN, Advocate (SR-93341[F] dated 21/10/2019)

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