



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.10.2019

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P. (MD) No.22006 of 2019

N.Panneerselvam

... Petitioner

-Vs-

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

2.The General Manager
Tamil Nadu State Transport Corporation
(Kumbakonam) Ltd.,
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 to the new scale of pay of Rs.9300-34800+4300 in terms of pay revision given under G.O.Ms.No.61, Transport Department, dated 30.04.2015 and in terms of settlement under Section 12(3) of the I.D. Act, dated 13.04.2015 with retrospective from 01.09.2010 and consequently, direct the respondents to revise his salary based on the above pay revision and to disburse the difference amounts in his salary payable for the period from 01.09.2010 to 12.04.2015 together with interest at the rate of 18% per annum payable from 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.Ragul.

For R1 & R2 : Mr.D.Sivaraman

For R3 : Mr.A.Swaminathan

**ORDER**

The Petitioner has come out with the present writ petition for a direction the respondents 1 to 3 to revise the petitioner's pay and grade pay to the new scale of pay of Rs.9300-34800+4300 in terms of pay revision given under G.O.Ms.No.61, Transport Department, dated 30.04.2015 and in terms of settlement under Section 12(3) of the I.D. Act, dated 13.04.2015 with retrospective from 01.09.2010 and consequently, direct the respondents to revise his salary based on the above pay revision and to disburse the difference amounts in his salary payable for the period from 01.09.2010 to 12.04.2015 together with interest at the rate of 18% per annum payable from date when it became due to till the date of actual payment within the time limit that may be fixed by this Court.

2. Mr.D.Sivaraman, learned counsel takes notice for the respondents 1 & 2 and Mr.A.Swaminathan, learned counsel takes notice for the third respondent. By consent of parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

3.The petitioner was joined service of the Tamil Nadu State Transport Corporation as a Conductor on 19.04.1986 and subsequently, he was promoted as Checking Inspector on 26.10.2007. The service conditions of Workmen of Transport Corporations is governed by settlement Under Section 12(3) of the Industrial Dispute 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 Transport Corporation informed that the pay revision of the Checking Inspectors and Driving Instructors would be considered after obtaining permission from the Government. Subsequently, by Government Order in G.O.Ms.No.61, Transport Department, dated 30.04.2015, the Government of Tamil Nadu revised the pay of the Checking Inspectors and Driving Instructors with retrospective effect from 01.09.2010. But, the respondents have not granted the revised pay of Checking Inspector to the petitioner. Hence, the petitioner made a representation, dated 22.08.2019 to the respondents seeking to grant of revised pay. So far no action has been taken by the respondents. Hence, the petitioner has come up with the present writ petition.

4.Even though the learned counsel for the petitioner raised several grounds in the Writ petition, he submitted that it would suffice, if a direction is issued to the respondents 2 and 3 to consider the representation of the petitioner, dated 22.08.2019, on merits.

5.Considering the submission of the learned counsel for the petitioner, without deciding the issue on merits, a direction is



issued to the respondents 2 and 3 to consider the representation of the petitioner, dated 22.08.2019 and pass orders on merits and in accordance with law, within a period of twelve (12) weeks from the date of receipt of a copy of this order.

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

Sd/-

Assistant Registrar()

// True Copy //

Sub Assistant Registrar(CS)

msa

TO

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

2. The General Manager
Tamil Nadu State Transport Corporation
(Kumbakonam) Ltd.,
Trichy Region
Trichy

3. The Administrator
Tamil Nadu State Transport Corporation
Pension Fund Trust
Thiruvalluvar House
Pallavan Salai, Chennai - 2

+1CC TO MR.D.SIVARAMAN, Advocate Sr. No.93069

+1CC TO MR.A.RAHUL, Advocate Sr. No. 93293

W.P. (MD) No.22006 of 2019

17.10.2019

GKG(CO)

TR(06.11.2019) 3P 6C