

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.03.2020

CORAM

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

W.P. 961 of 2013

1. The State Transport and
Transport Corporations Retired
Employees Welfare Association,
rep. by its General Secretary,
2, Pallavan Salai, Chennai-2.
2. G.V.Sudhahar
3. L.Sandyagu
4. K.Devanbu ... Petitioners

Vs

1. The Government of Tamil Nadu,
rep. by its Principal Secretary,
Transport Department,
Fort St. George,
Chennai-600 009.
2. Metropolitan Transport Corporation
(Chennai) Ltd.,
rep. by its Managing Director,
Pallavan Illam, Pallavan Salai,
Chennai-2.
3. State Express Transport Corporation
Ltd., rep. by its Managing Director,
Pallavan Illam, Pallavan Salai,
Chennai-600 002.
4. Tamil Nadu State Transport Corporation
(Coimbatore) Ltd.,
rep. by its Managing Director,
37, Mettupalayam Road,
Coimbatore-43.
5. Tamil Nadu State Transport
Corporation (Salem) Ltd.,
rep. by its Managing Director,
12, Ramakrishna Salai,
Salem-7.

6. Tamil Nadu State Transport Corporation (Villupuram) Ltd., rep. by its Managing Director, 3/137, Salamedu, Vazhadhareddy, Villupuram-2.

7. Tamil Nadu State Transport Corporation (Kumbakonam) Ltd., rep. by its Managing Director, 27, Railway Station New Road, Kumbakonam-1.

8. Tamil Nadu State Transport Corporation (Madurai) Ltd., rep. by its Managing Director, Bypass Road, Madurai-10.

9. Tamil Nadu State Transport Corporation (Tirunelveli) Ltd., rep. by its Managing Director, 19, Thiruvananthapuram Road, Tirunelveli-3. ... Respondents

Prayer : Writ Petition is filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondents to fix forthwith the band pay and grade pay for the members of the 1st petitioner association and who served as Checking Inspectors, Driving Instructors, Security Supervisors and Assistant Foreman and whose list are given in the typed set with effect from 01.09.2010, award costs.

For Petitioners : Mr.V.Ajoy Khose
For Respondents : Mr.S.Thangavel
Special Govt. Pleader for R1

Mr.K.Moorthy for R2

Mr.K.Kathiresan for R3
Mr.A.Sundaravadhanan
for R4

Mr.D.Raghu for R5, R7, R8
and R9

O R D E R

This Writ Petition has been filed seeking the following prayer:-

"to issue a Writ of Mandamus, directing the respondents to fix forthwith the bad pay and grade pay for the members of the 1st petitioner association and who served as Checking Inspectors, Driving Inspectors, Security Supervisors and Assistant

Foreman and whose list are given in the typed set with effect from 01.09.2010, award costs."

2. The members of the petitioner association were working as Checking Inspectors, Driving Instructors, Security Supervisors and Assistant Foreman in the respondents transport corporations. The grievance of the petitioners is that, while a 12(3) settlement has been entered between Management and Workmen in the year 2011, the pay fixation for the members of association was not considered, and it was deferred. Subsequently, another 12(3) settlement was entered in the year 2015, even then, the pay fixation was not done. Hence, the present Writ Petition has been filed.

3. Pending Writ Petition, there is yet another settlement entered in the year 2018 dated 04.01.2018. In the above settlement, the salary for the members of petitioners association had been fixed at Rs.9300-34800-Grade Pay 4300 and the said pay given effect from 01.09.2010. Now, the grievance of the petitioners is that, even though the settlement was entered in the year 2018, so far, the pay was not fixed as per the settlement. However, the learned counsel appearing for respondents corporation filed an affidavit stating that, now as per 12(3) settlement, dated 04.01.2018, the pay was fixed, and all the arrears also paid.

4. Mr.V.Ajoy Khose, learned counsel appearing for petitioners would submit that, some of the members have a grievance that the pay was not properly fixed and arrears also not paid.

5. Considering the above circumstances, as per the affidavit filed by the respondents corporation stating that, the pay was fixed and arrears have been paid. If at all, the petitioners are having any grievance, it is always open to them to approach the concerned Transport Corporation seeking for pay fixation as per 12(3) settlement, dated 04.01.2018, and if it is found that, the settlement was not properly implemented, the respondents corporation is directed to implement the pay fixation as per the settlement and to pay arrears without fail.

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

Sd/-
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

To

1. The Principal Secretary,
Government of Tamil Nadu,
Transport Department,
Fort St. George,
Chennai-600 009.
2. The Managing Director,
Metropolitan Transport Corporation
(Chennai) Ltd.,
Pallavan Illam, Pallavan Salai,
Chennai-2.
3. The Managing Director,
State Express Transport Corporation
Ltd.,
Pallavan Illam, Pallavan Salai,
Chennai-600 002.
4. The Managing Director,
Tamil Nadu State Transport Corporation
(Coimbatore) Ltd.,
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Coimbatore-43.
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Tamil Nadu State Transport
Corporation (Villupuram) Ltd.,
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Vazhadharedy, Villupuram-2.
7. The Managing Director,
Tamil Nadu State Transport
Corporation (Kumbakonam) Ltd.,
27, Railway Station New Road,
Kumbakonam-1.
8. The Managing Director,
Tamil Nadu State Transport
Corporation (Madurai) Ltd.,
Bypass Road, Madurai-10.

9. The Managing Director,
Tamil Nadu State Transport
Corporation (Tirunelveli) Ltd.,
19, Thiruvananthapuram Road,
Tirunelveli-3.

+1 CC to Govt.Pleader,sr.21173

+1 cc to Mr.CSK.Sathish, Advocate,sr.20752

+1 cc to Mr.K.Moorthy, Advocate, SR.20743

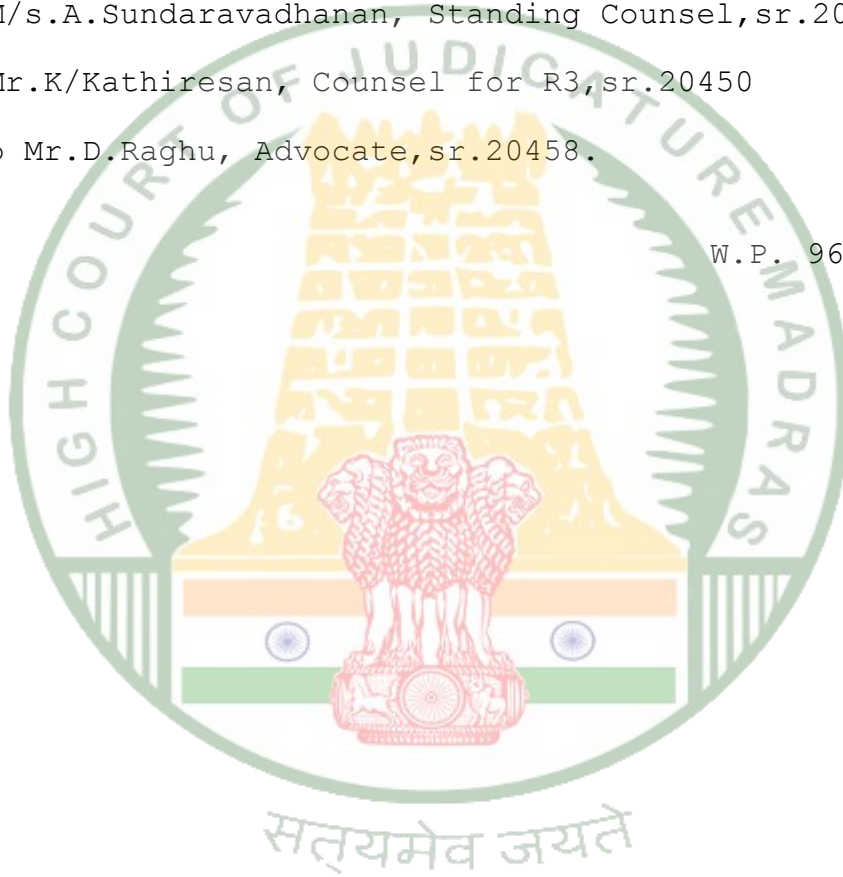
+1 cc to M/s.A.Sundaravadhanan, Standing Counsel,sr.20610

+1 cc to Mr.K/Kathiresan, Counsel for R3,sr.20450

+4 cc's to Mr.D.Raghu, Advocate,sr.20458.

Krd 25/6

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