

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.02.2020

CORAM:

THE HONOURABLE Mr. JUSTICE N. ANAND VENKATESH

W.P.NO. 29625 of 2019

V. Devaraj

... Petitioner

-Vs-

1. Tamil Nadu State Transport Corporation
(Villupuram) Ltd.

Rep. by the Managing Director
3/137, Salamedu, Valudhareddy Post
Villupuram 605 602

2. Tamil Nadu State Transport Corporation
(Villupuram) Ltd.

Rep. by the General Manager
Kancheepuram Region
Chennai Bengaluru Highway
Kancheepuram 631 552.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ or direction particularly in the nature of writ of certiorarified mandamus calling for the records relating to the impugned order passed in letter No.27149/L1/LC/TNSTC/KPM/18 dated 28.06.2019 on the file of the second respondent herein and quash the same insofar as it relates to "revised basic pay arrears were settled" and direct the respondent to make payment of entire arrears of pay payable to the petitioner from 01.11.2009 for the 29 years review effected followed by the fixation benefits of 12(3) wage settlement of 09/2010 and the increases accrued in fixing the pay on his promotion along with subsequent annual increment benefits together with 32 years service review monetary value added with the annual increments to the petitioner with a interest at the rate of not less than 12% per annum within the time that may be stipulated by this Hon'ble Court.

For Petitioner : Mr. N.Ishar

For Respondent : Mr. A. Antony Arockia Raja
Special Government Pleader.

ORDER

This Writ Petition has been filed challenging the impugned letter of the second respondent dated 28.06.2019 and for a consequential direction to make the entire arrears of payment with interest as per the earlier 12(3) settlement.

2. The case of the petitioner is that he was appointed as a conductor in the year 1979. There was a review of pay that took place in the year 2009. In the meantime, there was also a wage settlement that took place in the year 2010 and accordingly, the basic pay of the petitioner was revised. The petitioner was, thereafter, promoted as a checking inspector and again his basic pay was revised and fixed.

3. In the year 2012, the review of pay was sanctioned on completion of 32 years of service and the pay of the petitioner was fixed at Rs.13,290/- + Rs.4,200/- Grade pay. There was another wage settlement and accordingly, the pay of the petitioner was again revised. The grievance of the petitioner is that all the revision in the pay and refixation were recorded in the service register of the petitioner. However, the monetary aspect of it was not fulfilled. In the meantime, the petitioner retired from service on 28.02.2014. The petitioner had made a representation to the respondents to settle the arrears of pay and pursuant to the direction issued by this Court in W.P. No.27149 of 2018, the second respondent informed the petitioner by letter dated 28.06.2019 that the petitioner has already received the arrears of pay of Rs.11,250/-. Aggrieved by the same, the present Writ Petition has been filed before this Court.

4. The petitioner, in his affidavit, at paragraph No.10, has tabulated the entire arrears of pay under two columns, namely, what was actually paid and what is actually payable from the year 2010-14 and the total has been arrived at Rs.1,69,239/-.

5. This tabulation in the affidavit has been sufficiently explained in the affidavit and it is also forming part of the service records of the petitioner. The second respondent, while considering the representation made by the petitioner, has not taken into consideration these details provided by the petitioner and has merely stated in the impugned letter that the arrears of Rs.11,250/- has already been settled. Till date, the respondents have not come forward with any other calculation for

denying the calculation that has been made by the petitioner by giving the entire details. As against a sum of Rs.1,69,279/-, it is seen from the impugned letter, only a sum of Rs.11,250/- has been settled.

6. Heard the learned counsel for the petitioner and the learned counsel for the respondents.

7. In the considered view of this Court, the arrear claimed by the petitioner is borne out by records and a detailed split up has been given in the tabulation. This has not been denied or the respondent has not come up with their calculation regarding the arrears of pay to the petitioner. Even though the learned counsel appearing on behalf of the Transport Corporation vehemently opposed the claim made by the petitioner, the respondents have not come with any denial or alternative calculation to defend themselves in the present Writ Petition. The petitioner is now aged about 63 years and he cannot be made to again and again knock the doors of this Court. Therefore, it is taken that the respondent corporation is due and payable to the petitioner a sum of Rs.1,69,239/- towards the arrears of pay.

8. In view of the above discussion, this Writ Petition is disposed of with a direction to the respondents to pay a sum of Rs.1,69,239/- (after deducting a sum of Rs.11,250/-, if it has already been paid) to the petitioner with interest at the rate of 6% per annum from the date on which the amount is payable till the date of actual payment. The total amount with interest shall be settled to the petitioner in 10 equal monthly instalments. Each instalment shall be paid on or before 10th of every month and the first instalment shall be paid on or before 10.03.2020.

9. This Writ Petition is disposed of with the above direction. No costs.

Sd/-

Assistant Registrar

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Sub Assistant Registrar

bga

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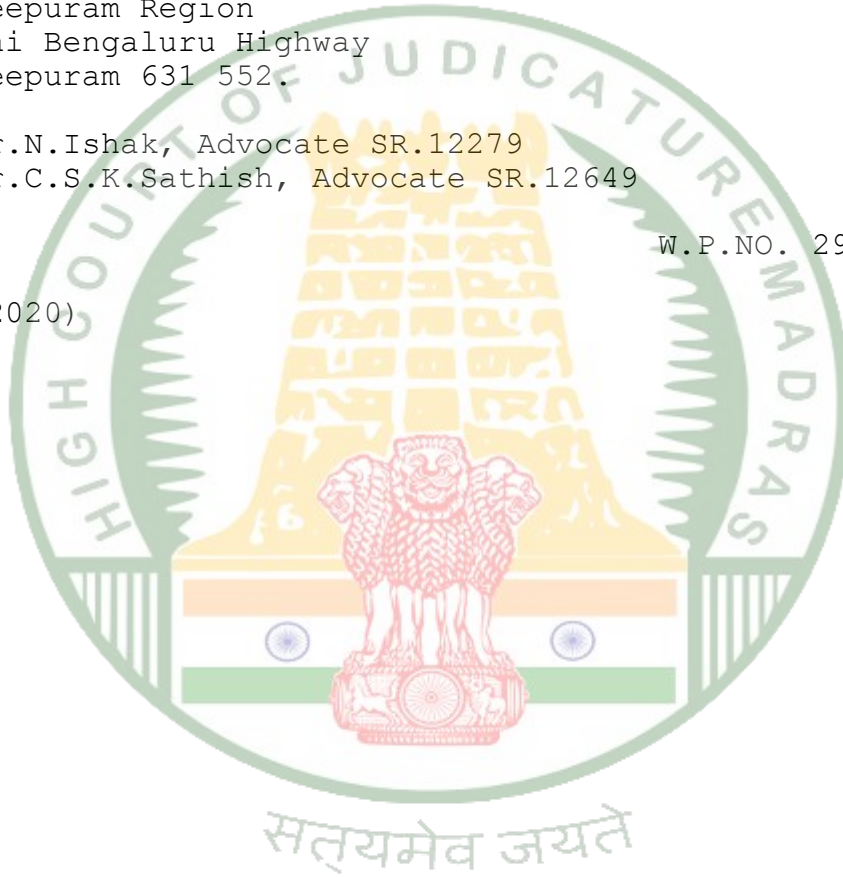
1. The Managing Director,
Tamil Nadu State Transport Corporation
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+1cc to Mr.N.Ishak, Advocate SR.12279

+1cc to Mr.C.S.K.Sathish, Advocate SR.12649

W.P.NO. 29625 of 2019

NMI (CO)
CB(28/02/2020)



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