



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.03.2020

CORAM

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

W.P(MD)No.5815 of 2020

C.Viswanathan

.. Petitioner

Vs.

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

.. Respondent

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondent to re-fix/revise the scale of pay of the petitioner with effect from 01.01.2004 as per the G.O.Ms.No.75, Transport(C1) dated 19.09.2006 and to pay him the arrears of wages and also balance of gratuity and encashment of leaves after revising the same based on such re-fixed scale of pay payable to him on the month of his retirement together with 18% p.a. within a time frame as may be fixed by this Court.

For Petitioner

: Mr.S.Arunachalam

For Respondent

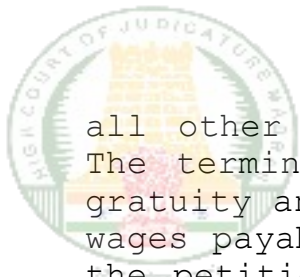
: Mr.P.Balasubramanian

ORDER

This writ petition has been filed for issuance of a Writ of Mandamus to direct the respondent to re-fix/revise the scale of pay of the petitioner with effect from 01.01.2004 as per G.O.Ms.No.75, Transport(C1) Department, dated 19.09.2006 and to pay him the arrears of wages and also balance of gratuity and encashment of leaves based on the re-fixed scale of pay payable to him in the month of his retirement together with 18% p.a.

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

3.The case of the petitioner is that the petitioner was appointed as Junior Assistant in the respondent Corporation on 30.11.1974 and he retired as Senior Superintendent / Section Officer on 31.08.2005 on account of superannuation. Subsequently, by an order, dated 27.07.2005, his scale of pay was fixed at Rs.7,300/- as basic pay with effect from 27.12.2004. As per G.O.Ms.No.246, Transport Department, dated 27.01.2004, the category of administrative supervisors, which includes the post of Senior Superintendent / Section Officer, was also brought into Government pattern of scales of pay. As per G.O.Ms.No.75, Transport (C1) Department, dated 19.09.2006, the petitioner is entitled to get wages in the revised scale of pay of Rs.9,400/- as basic pay with



all other allowances retrospectively with effect from 01.01.2004. The terminal benefits of the employees of the respondent, namely, gratuity and encashment of leave are determined based on the monthly wages payable to them in the month of their retirement. Therefore, the petitioner is also entitled to get his terminal benefits based on the revised scale of pay payable to him in the month of his retirement, i.e., August, 2005. Though, the petitioner was retired from service on 31.08.2005, he was not given arrears of wages for the period from 01.01.2004 to 31.08.2005 and also balance of gratuity and encashment of leave salary after revising the scale of pay. Therefore, he made several representations and the same were not considered so far. Therefore, the petitioner has come up before this Court with the present writ petition.

4. Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondent.

5. Though the learned counsel for the petitioner has sought for a larger relief, he restricted the prayer to consider the representation of the petitioner, dated 20.11.2019.

6. Considering the limited scope of prayer sought for, this Court without going into the merits of the petitioner's claim, directs the respondent to consider the representation of the petitioner, dated 20.11.2019 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. Perusal of records shows that the dates mentioned in the representation as well as in the affidavit are different. Therefore, while sending the copy of this order to the respondent, the petitioner shall enclose a copy of the representation, which the petitioner relies.

7. With the above directions, this Writ petition is disposed of. No costs.

Sd/-

Assistant Registrar

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

To

The Managing Director,

The Management of Tamilnadu State Transport

Corporation (Kumbakonam) Ltd.,

Kumbakonam.

+1 CC to M/s.P.BALASUBRAMANIAN, Advocate (SR-12881[F] dated 23/03/2020)

W.P(MD)No.5815 of 2020

20.03.2020

KK(08.06.2020) 2P 3C

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