

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.06.2022

CORAM:

THE HON'BLE MR.JUSTICE D.KRISHNAKUMAR

W.P.NO.12859 OF 2022

V.Ravichandran

... Petitioner

.Vs.

The Management of Tamilnadu State
Transport Corporation (Kovai) Ltd.,
Erode Region,
Rep. By its Managing Director,
Erode.

... Respondent

PRAYER:-

Writ petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondent to revise the terminal benefits of the petitioner based on the admitted revised scale of pay payable to him for the month of January, 2018 as admitted by the respondent in the RTI information dated 15.05.2019 and consequently to pay him balance of gratuity and leave encashment together with 18 percentage per annum. within a time frame as may be fixed by this Court.

For Petitioner : Ms.Porkodi
For Mr.V.Ajoy Khose

For Respondents : Mr.A.Sundaravadanam
Standing Counsel

ORDER

By consent of the learned counsels appearing for the parties concerned, this writ petition is taken up for final disposal.

2. The prayer sought for in the writ petition is to direct the respondent to revise the terminal benefits of the petitioner based on the admitted revised scale of pay payable to him for the month of January 2018 as admitted by the respondent in

the RTI information dated 15.05.19 and consequently to pay him balance of gratuity and leave encashment together with 18 percentage per annum within a time frame as may be fixed by this Court.

3. Heard both sides and perused the materials available on record.

4. The learned counsel for the petitioner has submitted that the petitioner was appointed in the respondent-Corporation as Junior Assistant on 29.05.1986 and after getting up-gradations/promotions, finally the petitioner was worked as Selection Grade Superintendent and retired on reaching the age of superannuation on 31.01.2018.

5. The learned counsel for the petitioner has further submitted that certain categories of employees, namely supervisory and managerial cadre, who are not coming under the category of the 'workman' as defined under Section 2 (2) of the I.D. Act, are excluded from the settleemnts. Those employees, who are working in the cadre of Superintendent, are also one of th categories of the employees excluded from settlements. Based on the Government Order (Rt) No. 142, Transport Department dated 21.08.2008 and and after recommendationof the 7th Pay Commission, the revised pay scales are fixed all categories of employees of the State Government, statutory bodies and etc., and the same are also ordered to be implemented by G.O.Ms.No. 303, Finance (Pay Cell) Department, dated 11.10.2017. The new pay scales, as ordered in the said G.O are ordered to be given to the employees of the State Transport Corporations in G.O.(Ms).No.134, Transport Department, dated 09.04.2018.

6. The learned counsel for the petitioner has further submitted that though the petitioner was retired from service before the date of settlement, he is entitled to get the benefits of the same, in view of the fact that the settlement was given retrospective effect. Hence the petitioner has made a representation dated 04.01.2022 to the respondent to pay the petitioner the difference in his terminal benefits namely Gratuity and Encashment of Leave after revising the same based on the scale of pay payable to him on the month of his retirement. However, the said representation is still pending, hence the present writ petition.

7. On the other hand, the learned Standing Counsel appearing for respondent-Corporation has submitted that the representation submitted by the petitioner will be considered by the respondents and appropriate orders will be passed in accordance with law and within a time frame as fixed by this Court.

8. In view of the submissions made by the learned Standing Counsel appearing for the respondent-Corporation and considering the limited scope of the prayer sought for by the petitioner, this Court without expressing any opinion on the merits of the case, directs the respondent to consider the petitioner's representation dated 04.01.2022 made by the petitioner and pass appropriate orders, in accordance with law, within a period of twelve weeks (12) from the date of receipt of a copy of this order.

9. With the above directions, the writ petition stands disposed of. No costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

The Managing Director,
The Tamilnadu State Transport
Corporation (Kovai) Ltd.,
Coimbatore.

+1cc to Mr.V.Ajoy Khose, Advocate, S.R.No.37958

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JPL(CO)
PBS/14/07/2022