



WEB COPY

W.P.No.26110 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.11.2022

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.26110 of 2019

R.Kumar

... Petitioner

Vs.

1.The Additional Chief Secretary
Transport Department
Government of Tamil Nadu
Secretariat,
Chennai – 600 009.

2.The Managing Director,
Tamil Nadu State Transport
Corporation (Salem) Ltd.,
12, Ramakrishna Salai,
Salem – 636 007.

3.The Administrator,
Tamil Nadu State Transport
Corporation Employees Pension Trust,
Administrative Office,
Thiruvalluvar House,
Pallavan Salai,
Chennai.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records



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pertaining to the order made in No.E5/12112/Tha.Po.Ka.(Salem) 2019 dated 08.02.2019 issued by the 2nd respondent and quash the same and consequently directing the respondents 2 and 3 to pay the difference in payment of salary and leave salary and gratuity and the arrears of pension and commutation in view of G.O.Ms.No.61 dated 30.04.2015 with further interest till the date of realisation of entire amount.

For Petitioner	: Mr.G.Pugazhenth
For R1	: Mr.S.Rajesh Government Advocate
For R2	: Mr.R.Babu
For R3	: Mr.C.S.K.Sathish

ORDER

The relief sought for in the present writ petition is to call for the records pertaining to the order made in No.E5/12112/Tha.Po.Ka.(Salem) 2019 dated 08.02.2019 issued by the 2nd respondent and quash the same and consequently directing the respondents 2 and 3 to pay the difference in payment of salary, leave salary, gratuity, arrears of pension and commutation in view of G.O.Ms.No.61 dated 30.04.2015 to the petitioner with further interest till the date of realisation of entire amount.



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2. The petitioner was holding the post of Senior Driver Instructor and retired from service.

3. The grievance of the writ petitioner is that the monetary benefits agreed in the 12(3) Settlement dated 22.01.2011 has not been extended to him. In this regard the petitioner submitted several representations, which was not looked into by the authorities.

4. The scope of judicial review in pay fixation matters is undoubtedly limited. The correctness or otherwise deserves to be adjudicated with reference to the terms and conditions of the Settlement. The services of the writ petitioner including fixation of salary is governed under the Settlement and therefore, the authorities competent are bound to look into the eligibility of the writ petitioner and accordingly take a decision.

5. Regarding the grievances, the petitioner submitted a calculation memo and the said memo and its correctness are to be ascertained by the competent authorities for the purpose of granting the monetary benefits under the terms and conditions of the 12(3) Settlement.



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6. In this context, the respondents are directed to consider the calculation sheet furnished by the writ petitioner and ascertain the correctness with reference to the terms and conditions of the Settlement if any due is payable, the same is to be settled without causing any undue delay. The petitioner is at liberty to submit a fresh representation along with the calculation sheet to the respondents along with the copy of this order passed in the present writ petition within a period of two (2) weeks from the date of receipt of a copy of this order.

7. With this liberty, the Writ Petition stands disposed of. No costs.

28.11.2022

Jeni

Index : Yes

Speaking order



To

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S.M.SUBRAMANIAM, J.

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