



W.P.(MD)No.5283 of 2020

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.12.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.5283 of 2020

RM.Tamilpandian

... Petitioner

Vs.

1. The Managing Director,
Tamilnadu State Transport Corporation (Kumbakonam) Limited,
New Railway Station Road,
Kumbakonam – 612 001.
2. The Financial Adviser,
Tamilnadu State Transport Corporation (Kumbakonam) Limited,
New Railway Station Road,
Kumbakonam – 612 001.
3. The General Manager,
Tamilnadu State Transport Corporation (Kumbakonam) Limited,
Karaikudi Region, Mardhupathi,
Managiri Post, Karaikudi,
Sivagangai District.
4. The Deputy Manager,
Tamilnadu State Transport Corporation (Kumbakonam) Limited,
Karaikudi Region, Mardhupathi,
Managiri Post, Karaikudi,
Sivagangai District.



W.P.(MD)No.5283 of 2020

WEB COPY

5. The Administrator,
TNSTC Employees Pensions Fund Trust,
Pallavan Salai,
Chennai – 2.

... Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorari, to call for the records pertaining to the impugned order of the 4th respondent by an impugned order Ref.TNSTC/KKD/A.W/A3/124 dated 04.02.2020 and quash the same and consequently direct the respondents to revise the pay and grade pay, in terms of pay revision given under G.O.(Ms.)No.61 Transport Department, dated 30.04.2015 and in terms of Clause 3 of the 13th Wage Settlement made on 04.01.2018 with retrospective effect from 01.11.2013 and also implement the yearly increment of 3 % on 01.11.2010 from 01.09.2010 to 27.02.2012 and further consequently direct the respondents to disburse the difference amount of terminal benefits namely Gratuity, Earned Leave Salary, Commutation Value of Pension and monthly pension from the date of retirement and to disburse the difference amounts of the said terminal benefits with pension and difference amounts in the yearly increment on 01.09.2010 and 5th review benefit with effect from 01.11.2013 combinedly 6 % in total of the basic and grade pay together with interest at the rate of 18 % per annum payable from the date of retirement to the disposal of the said amount, within the stipulated time as fixed by this Court.



WEB COPY



W.P.(MD)No.5283 of 2020

For Petitioner : Mr.K.Gokul
For Respondents : Mr.P.Bala Subramanian for R1 to R4
Standing Counsel
Mr.G.Herold Singh for R5
Standing Counsel

ORDER

This writ petition has been filed challenging the impugned order passed by the 4th respondent dated 04.02.2020 and to quash the same and consequently direct the respondents to revise the pay and grade pay in terms of pay revision given under G.O.(Ms.)No.61 Transport Department, dated 30.04.2015 and in terms of Clause 3 of the 13th Wage Settlement made on 04.01.2018 with retrospective effect from 01.11.2013 and also implement the yearly increment of 3 % on 01.11.2010 from 01.09.2010 to 27.02.2012 and further direct the respondents to disburse the difference amount of terminal benefits viz., gratuity, earned leave salary, commutation value of pension and monthly pension from the date of retirement and to disburse the difference amounts of the said terminal benefits with pension and difference amounts in the yearly increment on 01.09.2010 and 5th review benefit with



W.P.(MD)No.5283 of 2020

effect from 01.11.2013 combinedly 6% in total of the basic and grade pay together with interest at the rate of 18 % per annum payable from the date of retirement to the disbursal of the said amount.

2. The learned counsel appearing for the petitioner would submit that he was appointed as a Conductor in the respondent Corporation in the year 1980 and he was working as a Conductor till 27.02.2011. Thereafter, he was promoted to the post of Checking Inspector with effect from 28.02.2011. After that, he was promoted to the post of Traffic Inspector with effect from 13.04.2015. He retired from service as a Traffic Inspector on 30.04.2018. The Government of Tamil Nadu, by G.O.(Ms).No.61, Transport Department, dated 30.04.2015, revised the pay of the Checking Inspectors and Driving Instructors with retrospective effect from 01.09.2010. The new pay scale is applicable to the petitioner as he was promoted as Checking Inspector with effect from 24.02.2011. In terms of Clause (1) and (3) of the 13th Wage Settlement, the petitioner is entitled to new pay band of Rs. 9,300/- - Rs.34,000/- + Grade Pay Rs.4,300/- and review benefits with retrospective effect from 01.09.2010. However, the said pay was not fixed in



W.P.(MD)No.5283 of 2020

terms of above said G.O., and as per 12(3) settlement made on 22.01.2011.

Hence, the petitioner has made a representation to the respondents on 14.01.2020. Pursuant to which, the present impugned order has been passed.

Therefore, he prayed for allowing the writ petition.

3. The third respondent has filed a counter stating that the scale of pay of the Checking Inspectors was much lower than the scale of pay of the Conductor. Hence, as per Government Letter No.6745/C1/2013, Transport Department, dated 20.05.2014, a Committee has been constituted and directed to analyse the pay anomaly of Checking Inspectors and submit a report to the Government. The Committee has submitted its recommendations to the Government and the Government of Tamil Nadu accepted the recommendation and issued G.O.(Ms.).No.61, dated 30.04.2015. Accordingly, the Checking Inspectors and Driving Instructors were paid with effect from 01.09.2010. The basic pay was fixed at Rs. 51,800/- and grade pay was fixed at Rs.4,300/-, as per the wage settlement. The petitioner was paid basic pay, grade pay as per previous 12(3) settlement and G.O.(Ms.).No.61, dated 30.04.2015. Now, as per new 12(3)



W.P.(MD)No.5283 of 2020

settlement dated 04.01.2018, the petitioner's basic pay and grade pay were notionally re-fixed as basic pay Rs.51,800/- and grade pay Rs.4,300/- with effect from 10.12.2012 and it was sent to Pension Trust. As such, the petitioner is not at all entitled any monetary amount from the respondents and the respondents also not liable to pay any amount to the petitioner. Hence, he prayed for dismissal of the writ petition.

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

5. The facts in the present case are not in dispute. Admittedly, the petitioner entered into service in the year 1980 as a Conductor in the respondent Corporation. Thereafter, he was promoted as Checking Inspector in the year 2011 and Traffic Inspector in the year 2015. He retired from service in the year 2018. The petitioner claims that he is entitled to revision of pay, after completion of 29 years and 32 years. As per G.O.(Ms).No.61, Transport Department, dated 30.04.2015, a person, who completed 29 years of service, is entitled for 4th review and on completion of 32 years entitled



W.P.(MD)No.5283 of 2020

WEB COPY

for 5th review. This Court has perused the impugned order and a perusal of the impugned order reveals that already 5th review pay was granted in favour of the petitioner and his pay was fixed as Rs.9,300/- - Rs.34,000/- + Grade Pay Rs.4,300/- pay band and the pay fixation was granted in favour of the petitioner on 01.09.2010, even then the petitioner has made a claim before the respondents, which is not sustainable. Hence, the prayer sought for by the petitioner cannot be granted. Accordingly, this Writ Petition is dismissed. No costs.

22.12.2022

NCC:Yes/No

Index : Yes / No

Speaking Order : Yes / No

AKV



W.P.(MD)No.5283 of 2020

To
WEB COPY

1. The Managing Director,
Tamilnadu State Transport Corporation (Kumbakonam) Limited,
New Railway Station Road,
Kumbakonam – 612 001.
2. The Financial Adviser,
Tamilnadu State Transport Corporation (Kumbakonam) Limited,
New Railway Station Road,
Kumbakonam – 612 001.
3. The General Manager,
Tamilnadu State Transport Corporation (Kumbakonam) Limited,
Karaikudi Region, Mardhupathi,
Managiri Post, Karaikudi,
Sivagangai District.
4. The Deputy Manager,
Tamilnadu State Transport Corporation (Kumbakonam) Limited,
Karaikudi Region, Mardhupathi,
Managiri Post, Karaikudi,
Sivagangai District.
5. The Administrator,
TNSTC Employees Pensions Fund Trust,
Pallavan Salai,
Chennai – 2.



WEB COPY



W.P.(MD)No.5283 of 2020

M.DHANDAPANI,J.

AKV

W.P.(MD)No.5283 of 2020

22.12.2022