



W.P.(MD)No.4189 of 2020

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.12.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.4189 of 2020

P.Gunalan

... Petitioner

Vs.

1. The Managing Director,
Tamil Nadu State Transport Corporation (Madurai) Limited,
Bye-pass Road, Madurai – 16.
2. The Managing Director,
Tamil Nadu State Transport Corporation (Tirunelveli) Limited,
Bye-pass Road, Tirunelveli – 2.
3. The Financial Adviser,
Tamil Nadu State Transport Corporation (Madurai) Limited,
Bye-pass Road, Madurai – 16.
4. The General Manager,
Tamil Nadu State Transport Corporation (Madurai) Limited,
Virudhunagar Region, Bye-pass Road,
Virudhunagar District.
5. The Administrator,
TNSTC Employees Pensions Fund Trust,
SETC (TN) Limited, No.2, Pallavan Salai,
Chennai – 2.

... Respondents



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PRAYER : Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, directing the respondents 1 to 5 to implement the pay of the arrears and difference amount based on the revised pay of scale and grade pay along with IV and V Review benefits in terms of pay revision, in terms of Clause 4 of settlement under Sub Section 12(3) of the ID Act dated 22.01.2011 and also given under the Government of Tamilnadu by G.O.Ms.No.61, Transport Department dated 30.04.2015 with retrospective from 01.09.2010 to 31.03.2012 to him and consequently direct the respondents to revise his terminal benefits namely gratuity, earned leave salary, commuted value of pension and monthly pension based on the pay revision given in the above G.O., and settlement from the date of the petitioner retirement and to disburse the difference amounts in gratuity, earned leave salary, commuted value of pension and monthly pension together with interest at the rate of 6% per annum payable from the date when it became due to till the date of actual payment to him.

For Petitioner : Mr.K.Gokul

For Respondents : Mr.J.Senthil Kumariah
for R1, R3 & R4

Mr.R.Rajamohan for R2

Mr.S.C.Herold Singh for R5



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ORDER

This writ petition has been filed for issuance of a Writ of Mandamus, directing the respondents 1 to 5 to implement the pay of arrears and difference amount, based on the revised pay of scale and grade pay along with IVth and Vth Review benefits in terms of pay revision, in terms of Clause 4 of settlement under Sub Section 12(3) of the ID Act dated 22.01.2011 and also given under the Government of Tamil Nadu by G.O. (Ms.)No.61, Transport Department dated 30.04.2015 with retrospective effect from 01.09.2010 to 31.03.2012 to him and consequently direct the respondents to revise his terminal benefits viz. gratuity, earned leave salary, commuted value of pension and monthly pension, based on the pay revision given in the above G.O., and settlement from the date of his retirement and to disburse the difference amounts in gratuity, earned leave salary, commuted value of pension and monthly pension together with interest at the rate of 6% per annum.



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2. The case of the petitioner is that he was appointed as Conductor in the respondent Corporation in the year 1975 and he retired from service as Traffic Inspector in the year 2012. The grievance of the petitioner is that there was a 12(3) settlement dated 22.01.2011, for wage revision to all the Transport employees/workmen from 01.09.2010. However, the Checking Inspectors and Driving Inspectors were excluded in the above settlement. All State Transport Undertakings including the respondent Corporation agreed to revise the pay of the Checking Inspectors and Driving Inspectors from 01.09.2010 in consultation with the Government. Accordingly, 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. However, the same was not implemented to the petitioner till date. In order to implement the IVth and Vth Review benefits in terms of pay revision, in terms of Clause 4 of settlement under Sub Section 12(3) of the I.D., Act dated 22.01.2011 and in terms of G.O.(Ms.)No.61, Transport Department dated 30.04.2015, with retrospective effect from 01.09.2010 to



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31.03.2012, the petitioner has made a representation dated 17.02.2020 to the respondents. Since the said representation has not been considered till date, the petitioner has filed the present writ petition.

3. The learned counsel appearing for the petitioner would submit that this Court may issue a direction to the first respondent to consider the petitioner's representation dated 17.02.2020 and pass appropriate orders.

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

5. Considering the limited request made by the learned counsel for the petitioner, this Court, without going into the merits of the matter, directs the first respondent to consider the petitioner's representation dated 17.02.2020 and pass appropriate orders, on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.



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6. With the above direction, this Writ Petition is disposed of. No costs.

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Index : Yes / No

Speaking Order : Yes / No

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