



W.P.No.1637 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.10.2023

CORAM

THE HONOURABLE Ms.JUSTICE R.N.MANJULA

W.P. No.1637 of 2020

N.Prasad

...

/vs/

Petitioner

1. Tamilnadu State Transport Corporation
(Villupuram-III) Ltd.,
Thiruvannamalai Region, rep by its
General Manager,
Bye Pass Road, Venkikkal,
Thiruvannamalai-606 604

2. The Administrator,
Tamil Nadu State Transport Corporation,
Employees Pensin Fund Trust,
Pallavan salai, Chennai-600 002.

... Respondents

Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to direct the respondents to revise the salary of the petitioner from the date of reinstatement on 11.10.2017 on par with the similarly place co-employee and consequently to revise his pension and all other terminal benefits such gratuity, PF, leave salary and commutation of pension.



W.P.No.1637 of 2020

For Petitioner ... Mr. P.Ganesha Murthi
For Respondents ... Mr. Aswin
Standing Counsel for Transport Corporation

WEB COPY

ORDER

This writ petition has been filed to direct the respondents to revise the salary of the petitioner from the date of reinstatement on 11.10.2017 on par with the similarly placed co-employee and consequently to revise his pension and all other terminal benefits such as gratuity, PF, leave salary and commutation of pension.

2. The learned counsel for the petitioner submitted that the petitioner joined the service in Tamil Nadu State Transport Corporation as a driver in the year 1985 and he was dismissed from the service on 21.02.2011 in view of some disciplinary proceedings initiated against him; the charge against the petitioner is that he remained absent without any authority; the first respondent has filed Approval Petition No.74/11 and sought approval for the dismissal; the petitioner challenged the order passed in approval petition by way of filing a Writ Petition in W.P.No.24345 of 2014 and an order has been passed directing the first respondent to reinstate the petitioner in service



W.P.No.1637 of 2020

with continuity but without backwages.; accordingly, the first respondent had reinstated the petitioner on 11.10.2017 and thereafter, he was not paid with correct wages; the juniors of the petitioner were paid higher wages but the petitioner was paid with the wages which he received at the time of dismissal in the year 2011; even though, the petitioner had given repeated representation to revise his salary and the same was not done; hence the petitioner sent a representation dated 25.09.2019 to the respondents to revise his pay and pension; since the same was not considered so far, this writ petition has been filed.

3. The respondents have filed their counter affidavit by stating that the petitioner was reinstated in service on 11.10.2017 and he retired from service on 31.03.2019 and at the time of retirement, his grade pay was Rs.27,800/-; since there was no back wages allowed in W.P.No.24345 of 2014, those services cannot be counted; due to his previous misconducts and punishments, the petitioner was given with the grade pay applicable to him; the petitioner has got 11 years of non-qualifying service in view of the earlier punishment; hence the petitioner cannot compare himself with the other workers in the



W.P.No.1637 of 2020

matter of salary.

WEB COPY

4. Since in the order dated 07.06.2017 made in W.P.No.24345 of 2014, the petitioner has been given with continuity of service, but his back wages alone were disallowed, the services can be taken into account for the purpose of fixing his salary.

5. It is submitted that the petitioner had sent a representation dated 25.09.2019 to the respondents and the same was not considered so far. In the said circumstances, it is appropriate to direct the respondents to consider the representation of the petitioner dated 25.09.2019 within a specific time frame.

6. Accordingly, this Writ Petition is disposed by directing the respondents to consider the petitioner's representation dated 25.09.2019 and dispose the same in accordance with law, within a period of four weeks from the date of receipt of a copy of this order. No costs.

04.10.2023

bkn



W.P.No.1637 of 2020

To:

WEB COPY

1. The Tamilnadu State Transport Corporation
(Villupuram-III) Ltd.,
Thiruvannamalai Region, rep by its
General Manager,
Bye Pass Road, Venkikkal,
Thiruvannamalai-606 604
2. The Administrator,
Tamil Nadu State Transport Corporation,
Employees Pensis Fund Trust,
Pallavan salai, Chennai-600 002.



WEB COPY



W.P.No.1637 of 2020

R.N.MANJULA ,J.

bkn

W.P.No.1637 of 2020

04.10.2023