



W.P.(MD).No.7608 of 2021

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.07.2024

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.7608 of 2021

S.Kajamydeen

... Petitioner

Vs

1. The Managing Director,
Tamil Nadu State Transport Corporation (Madurai) Ltd.,
Bye Pass Road, Madurai-16.

2. The General Manager,
Tamil Nadu State Transport Corporation (Madurai) Ltd.,
Virudunagar Region,
Virudunagar.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to grant and to pay Two Advance Increments along with arrears from 2012 in terms of Clause 25-(2)(c) of the 12(3) settlement, dated 25.09.1986 and as per Rule 72 (A) of Common service rules applicable to all Transport Corporations by extending the benefits of similarly placed persons in sister Corporation, Tirunelveli by letter, dated 18.2.2021, 20.2.2021.



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For Petitioner : Mr.S.Govindan

For Respondents : Mr.J.Senthil Kumaraiah
Standing Counsel

ORDER

This writ petition has been filed seeking a direction to the respondents to grant and to pay Two Advance Increments along with arrears from 2012 in terms of Clause 25-(2)(c) of the 12(3) settlement, dated 25.09.1986 and as per Rule 72 (A) of Common Service Rules applicable to all Transport Corporations by extending the benefits of similarly placed persons in sister Corporation, Tirunelveli by letter, dated 18.2.2021, 20.2.2021.

2.The petitioner was appointed as a Driver on 01.08.2008 in the respondent Corporation. While in service, he completed M.A., Economics and got qualified on 23.10.2023. In view of the same, he is entitled for two incentive increments in terms of 12(3) Settlement and Common Service Rules. Hence, the petitioner made several representations for grant of two advance incentive increments on several dates, last of which were made on 18.02.2021 & 20.02.2021. However, the same were not considered. Hence, this writ petition came to be filed.



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3.The learned counsel for the petitioner drew my attention to Clause 25-(2)(c) of the 12(3) settlement, dated 25.09.1986, in which, Rule 72 (A) of Common Service Rules provides for grant of two advance increments for acquiring additional qualification ie., M.A., Economics while in service. In view of the same, he prays for allowing the writ petition.

4.The learned standing counsel appearing for the respondents submitted that the petitioner's representation could be considered in accordance with the extant rules.

5.Heard the learned counsel for the petitioner and the learned standing counsel for the respondents. Perused the materials available on record.

6.On considering the rival submissions, this Court is of the view that the petitioner's claim need to be appreciated by the respondents.



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7. Accordingly, this writ petition stands disposed of by giving a direction to the respondents to consider the representations of the petitioner, dated 18.2.2021, 20.2.2021 and pass appropriate orders in accordance with Clause 25-(2)(c) of the 12(3) settlement, dated 25.09.1986 and Rule 72 (A) of Common Service Rules to grant two advance increments in favour of the petitioner, within a period of 12 weeks from the date of receipt of copy of this order. There shall be no order as to costs.

11.07.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes
PNM

To

1. The Managing Director,
Tamil Nadu State Transport Corporation (Madurai) Ltd.,
Bye Pass Road, Madurai-16.

2. The General Manager,
Tamil Nadu State Transport Corporation (Madurai) Ltd.,
Virudunagar Region,
Virudunagar.



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L.VICTORIA GOWRI, J.

PNM

**ORDER IN
W.P.(MD).No.7608 of 2021**

11.07.2024