

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.09.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition Nos.29965 and 29966 of 2016

and W.M.P.Nos.25926 and 25927 of 2016

W.P.No.29965 of 2016:

1 M.S.Sellandi
2 P.Chandrasekaran
3 R.Radhakrishnan
4 K.Rajamani
5 M.Jaganathan
6 M.P.Sengottaiyan
7 M.Veerappan
8 R.Govindaraju
9 P.Kolandavelu
10 R.Shanmugasundaram
11 R.Soundrarajan
12 V.Thulasidoss
13 J.Johnjeykar
14 P.Kannaiyan
15 M.Manickam
16 V.Chandrasekaran
17 S.Kolandaivelu
18 P.Jagadeesan
19 R.Muthukrishnan
20 K.Vadivelu
21 S.Jagadheesan
22 R.Thangavelu
23 M.Sengottaiyan

... Petitioners

vs.

The Managing Director
Tamil Nadu State Transport Corporation
(Salem) Ltd, 12, Ramakrishna Road,
Salem-636 007.

... Respondent

W.P.No.29966 of 2016:

1 S.Ramamurthy
2 S.Ganesan
3 S.Killivalavan
4 R.Kalaiselvan
5 R.Sarvesan
6 S.Krishnamurthy

7 T.Kumaravelu
8 K.Narayanan
9 R.Chellapandi
10 P.Sivaramalingam
11 P.Chandrasekaran
12 R.Nagarajan
13 P.T.Thulasiraman
14 K.Sriramulu
15 D.Ragupathy
16 R.Sambandam
17 C.R.Shanmugam
18 K.Natarajan
19 N.Kasi
20 V.Ganesan
21 S.Selvaraj
22 M.Selvaganapathy
23 M.Rangan
24 K.Viswanathan
25 P.Loganathan
26 A.Sundaresan
27 G.Vasudevan
28 S.Vijayaraghavan ... Petitioners

vs.

The Managing Director,
Tamil Nadu State Transport Corporation
3/137, Salamedu, Valudareddy,
Villupuram-605 602. ... Respondent

Writ petitions have been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the Respondents to pay the difference amount of encashment of earned leave along with 18% interest in relation to each petitioner expeditiously.

For Petitioners : Mr.A.Jenasenan,
in both the writ petitions.

For Respondent : Mr.P.Paramasiva Doss.

COMMON ORDER

By consent, the main writ petitions themselves are taken up for final disposal.

2. The petitioners have come up with the present writ petitions for a mandamus, directing the Respondents to pay the difference amount of encashment of earned leave along with 18% interest in relation to each petitioner expeditiously.

3. The case of the petitioners, in brief, is as follows:-

(a) All the petitioners are retired employees of the respondent corporation and they retired at various dates between 31.1.2006 and 30.9.2009. The VI Central Pay Commission was brought into effect with effect from 1.1.2006. Thereafter, the Government Tamil Nadu, constituted an Official Committee to examine and make necessary recommendations for the revision of scale of pay and allowance of State Government employees based on VI Central Pay Commission. Subsequently, the Official Committee submitted a report and accordingly, the Government of Tamil Nadu issued G.O.Ms.No.234, Finance (Paycell) Department dated 1.6.2009 to implement the revision of scale of pay for its employees and the same were revised with effect from 1.1.2006.

(b) Subsequently, the Government of Tamil Nadu introduced G.O. (Ms) No.250 Finance (Pay cell) Department dated 17.6.2009 to extend the above revision of scale of pay to the employees of State Public Sector Undertakings / Boards, etc. notionally from 1.1.2006 and monetarily from 1.1.2007. Subsequently, the revised pay and allowances were also extended to the Managerial Cadre Officers of the respondent corporation vide G.O.(Ms) No.63, Transport (D) Department, dated 5.2.2010 and the employees such as the petitioners, who were in the employment of the respondent on 1.1.2006, were eligible for the revised scale of pay.

(c) The petitioners are entitled to surrender earned leave days, which is limited to maximum 240 days. In the light of the said Gos., the petitioners' scale of pay, DA, HRA and CCA were revised retrospectively and they are also entitled to receive the difference in arrears in relation to the encashment of earned leave. Since the same was not granted to them, they have come up with the present writ petitions for the relief set out earlier.

4. Learned counsel appearing for the petitioners submitted that in identical issue, in respect of the employees of another transport corporation, the Madurai Bench of this Court, in W.P.Nos.971 of 2013, etc. by order dated 27.3.2014, has given a direction to the respondent therein, by referring to G.O.(Ms) Nos.234 and 236, Finance (PC) Department dated 1.6.2009 and G.O.(Ms) No.63, Transport (D) Department dated 5.2.2010, to pay the difference amount of encashment of earned leave to the petitioners therein. Hence, following the same, similar order could be passed in these writ petitions also.

5. I have also heard the learned counsel, who has taken notice on behalf of the respondent in both the writ petitions.

6. Keeping the submissions made on either side, I have carefully gone through the entire materials available on record.

7. The relevant portion of the order dated 27.3.2014 passed by this Court in W.P.Nos.971 of 2013 etc. is usefully extracted hereunder:-

" 7. It is not in dispute that pursuant to the pay revision as per G.O.(Ms) Nos.234 and 236, Finance (PC) Department dated 1.6.2009, the present petitioners were also given such benefit of pay revision by passing G.O.(Ms) No.63, Transport (D) Department dated 5.2.2010, with retrospective effect. One such pay revision is extended to the petitioners also, all the benefits accrued consequent upon such pay revision also should be extended to them without any restriction, in respect of encashment of earned leave."

8. Since the issue involved in the present writ petitions is also identical to the issue involved in the said decision, following the same, these writ petitions are also allowed and the respondents are directed to pay the difference amount of encashment of earned leave to the petitioners in each of these writ petitions in respect of the amount as sought for therein along with appropriate interest, within a period of 12 weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

sbi

To

1.The Managing Director
Tamil Nadu State Transport Corporation
(Salem) Ltd, 12, Ramakrishna Road , Salem-636 007.

2.The Managing Director,
Tamil Nadu State Transport Corporation
3/137, Salamedu, Valudareddy, Villupuram-605 602.

+2cc to M/s P.Paramasiva Doss, Advocate Sr.Nos.56546 & 56547
+1cc to M/s A.Jenasenan, Advocate Sr.56761

W.P.Nos.29965 and
29966 of 2016

TRM(CO)
RVR 22/10/2016