

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.12.2016

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.43212 of 2016

A.Venkatachalam

.. Petitioner

Vs

1. The Chairman and Secretary to Government
Transport Department,
Fort St. George,
Chennai - 600 009.

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

.. Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents to pay the difference amount of encashment of earned leave, arrears in gratuity and payment of unearned leave on private affairs amount with interest at 18% p.a. to the petitioner.

For Petitioner : Mr.M.Selvam

For Respondents: Mr.Paramasivadosh

ORDER

By consent, the Writ Petition is taken up for final disposal.

2. Mr.Paramasivadosh, learned counsel accepts notice on behalf of the respondents.

3. The petitioner joined the service of the second respondent on 01.04.1984 and retired as Selection Grade Assistant Manager on 31.01.2007. The petitioner would further state that the VI Central Pay Commission was brought into effect from 01.01.2006. Based on the recommendations of the 6th Central Pay Commission, the official committee constituted by the Government submitted a report and accordingly the Government of Tamil Nadu issued G.O.Ms.No.234, Finance (Pay Cell) Department, dated 01.06.2009 to revise the pay and allowances with effect from 01.01.2006 to its employees. Subsequently, the Government has issued G.O.(Ms.) No.250, Finance (BPE), Department, dated 17.06.2009 to extend the above revision of scales of pay and allowances to

employees of State Public Sector Undertaking / Boards etc. notionally from 01.01.2006 and monetarily from 01.01.2007. As per G.O. (Ms) No.63, Transport (D) department, dated 05.02.2010 monetary benefits were ordered to be extended to the managerial cadre officers of the respondent corporation and therefore in the light of the above facts, he is entitled for revised scales of pay and allowances.

4. The learned counsel appearing on behalf of the petitioner has drawn the attention of this Court to the common order in W.P.Nos.29965 and 29960 of 2016, dated 30.09.2016, wherein under similar facts and circumstances, the petitioners therein have filed a writ petition seeking for issuance of mandamus directing the respondents to pay the difference amount of encashment of earned leave along with 18% interest in relation to each petitioner and by the said order dated 30.09.2016 this Court allowed the claim of the petitioner and passed similar orders.

5. Heard, the submissions made by the learned counsel appearing on behalf of the respondents.

6. Though the petitioner has prayed for a larger relief, this Court, in the light of the facts and circumstances and without going into the merits of the claim projected by the petitioner, directs the respondent to consider the representation dated 05.11.2016 of the petitioner on merits and in accordance with law after taking into consideration the order of this Court, dated 30.09.2016 made in W.P.Nos.29965 and 29960 of 2016 and pass appropriate orders within a period of ten weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner.

7. This Writ Petition is disposed of accordingly. No costs.

sd/-

Asst.Registrar (CS VII)

/true copy/

Sub Asst. Registrar

To

1. The Chairman and Secretary to Government
Transport Department,
Fort St. George,
Chennai - 600 009.

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

+1 cc to Mr.M.Selvam,advocate,sr.72908

+1 cc to Govt.Pleader,sr.73276.

ad(co)
krd 18/1

W.P.No.43212 of 2016



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