

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED :16.09.2019
CORAM
THE HON'BLE MR.JUSTICE M.DHANDAPANI
W.P.No.20205 of 2019

Tmt. Santhi Jayabalan

..Petitioner

vs

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

.. Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a writ of mandamus or any other appropriate writ, order or direction, in the nature of writ, directing the respondent to pay the difference amount of Earned Leave Encashment on the basis of the revised VI CPC scale of pay sequel to the retrospective effect on the basis of the representation dated 24.04.2019 acknowledged on 25.04.2019 within a time to be stipulated by this Hon'ble Court.

For Petitioner : Mr.L. Chandrakumar

For Respondent : Mrs. Rajani Ramadoss

O R D E R

The Writ Petition is filed by the petitioner seeking to direct the respondent to pay the difference amount of Earned Leave Encashment on the basis of the revised VI CPC scale of pay sequel with retrospective effect on the basis of the representation dated 24.04.2019 acknowledged on 25.04.2019 within a time to be stipulated by this Hon'ble Court.

2. The case of the petitioner is that the petitioner's husband retired from the respondent Corporation on 31.10.2007. Subsequently on 19.05.2012 the Petitioner's husband died. After his retirement, the Government issued G.O.Ms.No.234 Finance (Pay Cell) Department dated 01.06.2009 to implement revision of scale of pay and allowances with effect from 01.01.2006, sequel to which yet another G.O.Ms.No.250 Finance (BPE) Department dated 17.06.2009 came to be issued in order to extend the above revision of scales of pay and allowances to the employees of State Public Sector Undertaking/Boards, etc. notionally from

01.01.2006 and with monetary dues from 01.01.2007. Subsequently the above said revised pay and allowances was extended to the Managerial Cadre Officers of the respondent Corporation vide G.O.(Ms).No.63 Transport (D) Department dated 05.02.2010.

3. In the present case, it is contended that the petitioner's husband retired from service, while serving in the managerial cadre was eligible for revision of pay scale as per the benefit extended in G.O.Ms.63 Transport (D) Department dated 05.02.2010, however the said benefit was not extended to the husband of the petitioner. The learned counsel for the petitioner submitted that in similar type of Writ Petitions, this Court by order dated 30.09.2016 in W.P.Nos.14991 of 2013 etc. Batch extended the benefit to the similarly placed pensioners.

4. The learned counsel for the petitioner would submit that without expressing any opinion on the merits of the case, this court may issue direction to the respondent to consider the representation of the petitioner dated 24.04.2019 on merits and in accordance with law.

5. Considering the facts and circumstances of the case and the limited request made by the learned counsel for the petitioner, I am inclined to issue direction to the respondent to dispose of the representation dated 24.04.2019 submitted by the petitioner in accordance with law within a period of Eight (8) weeks from the date of receipt of a copy of this order. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

mrn

To

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

+1cc to Mr.L. Chandrakumar, Advocate sr.79873
+1cc to Mrs. Rajani Ramadoss, Advocate sr.80303

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