



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.12.2021

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY  
W.P. (MD)Nos.16156, 21398, 21399, 21408,

21410, 21443 and 21444 of 2017

and

W.M.P. (MD)Nos.17689, 17690, 17701,  
17702, 17709, 17710 and 12830 of 2017

|                |     |                                      |
|----------------|-----|--------------------------------------|
| P.Mohan        | ... | Petitioner in WP(MD)No.16156 of 2017 |
| S.Rengasamy    | ... | Petitioner in WP(MD)No.21398 of 2017 |
| A.Murugan      | ... | Petitioner in WP(MD)No.21399 of 2017 |
| S.Sethuraman   | ... | Petitioner in WP(MD)No.21408 of 2017 |
| P.Kumar        | ... | Petitioner in WP(MD)No.21410 of 2017 |
| G.Ramakrishnan | ... | Petitioner in WP(MD)No.21443 of 2017 |
| A.Raju         | ... | Petitioner in WP(MD)No.21444 of 2017 |

vs.

1.Additional Chief Secretary to Government,  
Transport (C) Department,  
Chennai-9.

2.The Managing Director,  
Tamilnadu State Transport Corporation  
(Madurai) Limited,  
Madurai Region, By-pass Road,  
Madurai-625 010.

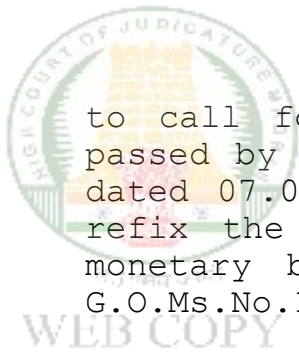
... Respondents in all

**Prayer in WP(MD). 16156/ 2017 :**

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a writ of Certiorarified Mandamus call for the records in pursuant to the impugned proceedings passed by the 2nd respondents in Ref:Corp/Legal/WP(MD).No.22520/2016 dated 13.04.2017 and quash the same and direct the respondent to refix the salary with effect from 01.01.2008 notionally and the monetary benefit may be allowed w.e.f. 01.04.2015 based on the G.O.Ms.Nno.146 Transport (C) Department dated 30.11.2015.

**Prayer in WP(MD). 21398/ 2017 :**

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a writ of Certiorarified Mandamus



to call for the records in pursuant to the impugned proceedings passed by the 2nd respondent in Ref.Corp/Legal/WP(MD).No.22518/2016 dated 07.03.2016 and quash the same and direct the Respondents to refix the salary with effect from 01.01.2008 notionally and the monetary benefit may be allowed w.e.f. 01.04.2015 based on the G.O.Ms.No.146 Transport (C) Department dated 30.11.2015.

**Prayer in WP(MD). 21399/ 2017 :**

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a writ of Certiorarified Mandamus to call for the records in pursuant to the impugned proceedings passed by the 2nd respondent in Ref:Corp/Legal/WP(MD) No. 22517/2016 dated 07.03.2016 and quash the same and direct the Respondents to refix the salary with effect from 01.01.2008 notionally and the monetary benefit may be allowed w.e.f. 01.04.2015 based on the G.O.Ms.No.146 Transport (C) Department dated 30.11.2015.

**Prayer in WP(MD). 21408/ 2017 :**

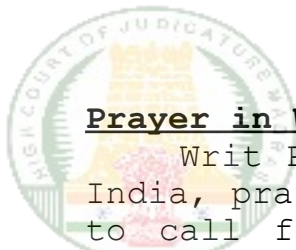
Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a writ of Certiorarified Mandamus to call for the records in pursuant to the impugned proceedings passed by the 2nd respondent in Ref.Corp/Legal/WP(MD).No.22523/2016 dated 07.03.2016 (07.03.2017) and quash the same and direct the Respondents to refix the salary with effect from 01.01.2008 notionally and the monetary benefit may be allowed w.e.f. 01.04.2015 based on the G.O.Ms.No.146 Transport (C) Department dated 30.11.2015.

**Prayer in WP(MD). 21410/ 2017 :**

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a writ of Certiorarified Mandamus to call for the records in pursuant to the impugned proceedings passed by the 2nd respondent in Ref.Corp/Legal/WP(MD).No.22524/2016 dated 07.03.2016 (07.03.2017) and quash the same and direct the Respondents to refix the salary with effect from 01.01.2008 notionally and the monetary benefit may be allowed w.e.f. 01.04.2015 based on the G.O.Ms.No.146 Transport (C) Department dated 30.11.2015.

**Prayer in WP(MD). 21443/ 2017 :**

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a writ of Certiorarified Mandamus to call for the records in pursuant to the impugned proceedings passed by the 2nd respondent in Ref:Corp/Legal/WP(MD)No.22519/2016 dated 07.03.2016 (07.03.2017) and quash the same and direct the Repondents to refix the salary with effect from 01.01.2008 notionally and the monetary benefit may be allowed w.e.f. 01.04.2015 based on the G.O.Ms.No.146 Transport (C) Department dated 30.11.2015.



**Prayer in WP(MD). 21444/ 2017 :**

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a writ of Certiorarified Mandamus to call for the records in pursuant to the impugned proceedings passed by the 2nd respondent in Ref.Corp/Legal/WP(MD).No.22522/2016 dated 07.03.2016 (07.03.2017) and quash the same and direct the Respondents to refix the salary with effect from 01.01.2008 notionally and the monetary benefit may be allowed w.e.f. 01.04.2015 based on the G.O.Ms.No.146 Transport (C) Department dated 30.11.2015.

For Petitioner : Mr.M.Karthikeyavenkitachalapathy  
(in all WPs)  
For R-1 : Mr.D.Sasi Kumar  
Additional Government Pleader  
(in all WPs)  
For R-2 : Mr.A.Jeyaram  
(in all WPs)

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**COMMON ORDER**

**W.P. (MD)No.21444 of 2017:**

It is represented that the petitioner, namely A.Raju, has filed W.P.(MD)No.21444 of 2017 and he died. It is stated that there are no legal heirs as far as this petitioner is concerned, the Writ Petition is dismissed as abated. No costs. Consequently, connected miscellaneous petition is closed.

**W.P. (MD)No.21410 of 2017**

The Writ Petition W.P.(MD)No.21410 of 2017 was filed by Mr.P.Kumar and the learned Counsel appearing for the petitioner submitted that the petitioner died and he has legal heirs, namely, his wife and daughter.

**W.P. (MD)No.16156 of 2017:**

The learned Counsel submitted that one more case was not listed, which is W.P.(MD)No.16156 of 2017, filed by one Mohan. Registry was directed to list the today in additional list. The case from additional list was taken up along with the other cases for hearing

**W.P. (MD)Nos. 16156, 21398, 21399, 21408, 21410, 21443 of 2017:**

The Writ Petition W.P.(MD)No.21398 of 2017, filed by Mr.S.Rengaswamy was taken up for hearing and the facts as stated in this Writ Petition is that the petitioner was appointed as a Clerk Trainee in the respondent Corporation from 03.03.1980 and then redesignated as Junior Assistant from 27.09.1984. Then, promoted as Assistant with effect from 01.11.1990. The respondents passed a Resolution, dated 25.03.2009 and the petitioner's date of



appointment was fixed as 03.03.1981, i.e., from the original date of appointment as Clerk Trainee and the consequential effect of promotion to Assistant was given with effect from 01.05.1986. Subsequently, after second review on completion of eight years, the petitioner was upgraded as Senior Assistant with effect from 01.08.1994 and the petitioner was upgraded as Selection Grade Assistant with effect from 01.08.2004. He has completed 24 years of service and he attained superannuation on 31.07.2009. After attaining superannuation, the petitioner has come forward with this Writ Petition to grant benefits under G.O.Ms.No.146, Transport (C) Department, dated 30.11.2015. In the said G.O. the respondents have considered various anomalies in fixation of service benefits.

2.The respondents relied on the impugned order and submitted before this Court that the said Government Order is applicable only to the post of Superintendent and the petitioner retired from the post of Selection Grade Assistant. Therefore, the said Government order is not applicable to the petitioner.

3.Heard Mr.M. Karthikeyavenkitachalapathy, learned Counsel appearing for the petitioner and Mr.D.Sasi Kumar, learned Additional Government Pleader appearing for the first respondent and Mr.A.Jeyaram, learned Counsel appearing for the second respondent.

4.The petitioner by referring to the communication, dated 25.03.2009, has submitted the Board Meeting held on 19.12.2008 has recommended that the monetary benefits due to the change in the scale of pay may be given to the list of persons appended in the communication only from the date of the High Court order, i.e., from 15.04.2008.

5.It is submitted that the said Government order is applicable only to the post of Superintendent and relied on the Government order. The relevant portion of G.O.Ms.No.146, Transport (C) Department, dated 30.11.2015, is extracted below:

*"7.After careful examination, the Government accept the recommendation of committee and ordered as follows:-*

*(i) The administrative supervisory cadre employees who have been promoted as Superintendent from Selection Grade Assistant/Special Grade Assistant Cadre and who have rendered not less than 10 years service in the feeder post viz., Senior Assistant i.e., 14 years (up-to Senior Assistant Cadre) +10 (in the Senior Assistant cadre) totally 24 years before getting themselves considered for promotion to the post of Superintendent cadre may be re-designated as Selection Grade Superintendent so as to enable them to receive the Selection Grade Superintendent time scale of pay of Rs.7500-250-12500 w.e.f. 01.01.2008 and the revised*



scale of pay [as per 6th Pay Commission] of Rs.9300-34800+Grade Pay Rs.4900 w.e.f. 17.06.2009 [i.e., the date of issue of G.O.(Ms)No.250, Finance (BPE) Department, dated 17.06.2009]. However, the monetary benefit shall be given w.e.f. 01.04.2015 duly taking into consideration the severe financial crisis being faced by all STUs and the continuous losses incurred by them over several years;

(ii) Such benefit may be given with effect from 01.01.2008 notionally and the monetary benefit may be allowed w.e.f. 01.04.2015. Pension in respect of all those who have retired after 01.01.2008 may suitably be revised and the monetary benefit may be allowed w.e.f. 01.04.2015 and the question of payment of arrears will not arise."

6.Since the petitioner has retired as Selection Grade Assistant and not as Superintendent, this Court is of the opinion that the said Government order is not applicable to the petitioners and therefore they cannot rely on this Government order to claim any benefits. However, the learned Counsel appearing for the petitioners submitted that the recommendation stated in the communication, dated 25.03.2009, to consider the monetary benefits due to the change in the scale of pay may be considered by the respondents.

7.On perusal of the impugned order government order G.O. Ms. No. 146, there is no reference to this communication dated 25.03.2009, which means the government has not considered the recommendation. Therefore, this Court is of the opinion that all the petitioners shall submit a representation based on the recommendation, dated 25.03.2009. Thereafter, the respondents shall consider at the earliest and pass orders.

8.As far as W.P.(MD)No.21410 of 2017 is concerned, the deceased employee's wife shall submit the representation.

9.With the above direction, the Writ Petitions are disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

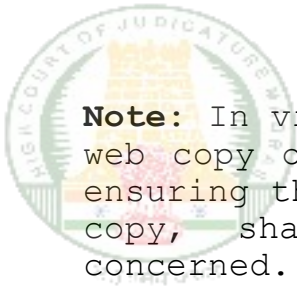
Assistant Registrar (AE)

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/ /2022

Sub Assistant Registrar(CS)

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**Note:** In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the Advocate/litigant concerned.

**WEB COPY**

To

1.The Additional Chief Secretary to Government,  
Transport (C) Department,  
Chennai-9.

2.The Managing Director,  
Tamil Nadu State Transport Corporation  
(Madurai) Ltd,  
Madurai Region,  
By-Pass Road,  
Madurai - 625 010.

+6cc to MR.M.KARTHIKEYAVENKITACHALAPATHY,ADVOCATE, SR.No.37659

+1cc to Mr.A.JEYARAM,Advocate, SR.No.37488

+1cc to M/s.SPL GP,Advocate, SR.No.37615

Order made in  
W.P. (MD) Nos.16156, 21398, 21399,  
21408, 21410, 21443 and 21444 of 2017  
06.12.2021

DKS (CO)  
GC (04.01.2022) 6P 11C