



W.P(MD)No.1004 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 31.10.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.1004 of 2020

V.Sundaram

... Petitioner

Vs.

1.The Managing Director,
Tamil Nadu State Transport Corporation
(Kumbakonam) Ltd.,
Railway Station New Road,
Kumbakonam.

2.The Administrator,
Tamil Nadu State Transport Corporation
Employees Pension Fund Trust,
Thiruvalluvar Illam, Palavan Salai,
Chennai – 2.

... 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 settle the difference in Salary pension, commutation of pension, Gratuity and Surrender leave salary along with 18 percent interest on the belated payment of terminal benefits with effect from 01/07/2008, the date on which, the petitioner promoted as Superintendent in the Supervisory Cadre in terms of G.O.Ms.No.142 Transport (D) Department dated 21/08/2008 which was passed



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with retrospective effect from 01/01/2008 Revising Scale of Pay as Rs.7000-225-11500 and in the light of the Judgment of this High Court filed by similarly placed one K.Govindarajulu in WP(MD) No.24930 of 2018 dated 21.01.2019.

For Petitioner : Mr.S.Govindan

For Respondents : Mr.P.Balasubramanian for R1.
Standing Counsel for R2.
Mr.S.C.Herold Singh,
Standing Counsel for R2.

ORDER

Heard the learned counsel on either side.

2.The writ petitioner joined the respondent corporation as Junior Assistant. He was promoted as Superintendent on 01.07.2008 and retired from service on 28.02.2009. The only question that arises for consideration in this case is applicability of G.O. (Ms) No.142, Transport (C1) Department, dated 21.08.2008. Under the said government order, the pay scales of the employees of the transport corporation in the supervisory and administrative category were brought on par with that of the government servants. The benefit was extended with effect from 01.01.2008. According to the learned counsel for the



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petitioner, the petitioner herein retired after the cut off date and that therefore, his pay, pensionary and retirement benefits must be refixed in terms of the said government order. The pensionary benefits have been refixed and are being disbursed accordingly from 2015 onwards. A separate government order was issued to that effect. The question that arises for consideration in this writ petition is as regards disbursement of difference of leave salary and gratuity computed in terms of G.O.(Ms) No.142, dated 21.08.2008.

3.The learned counsel for the petitioner drew my attention to the case of one K.Govindarajulu. The said Govindarajulu filed W.P.(MD)No.24930 of 2018 and this Court vide order dated 21.01.2019 disposed of the said writ petition by directing the Management to determine the benefits on the basis of the re-fixation of the salary and pay the same. I wanted to know from the learned standing counsel if this direction given in the case of Govindarajulu was complied with. The matter was adjourned to enable the learned standing counsel to obtain instructions.

4.Today (ie., 31.10.2022), when the matter was taken up for hearing, the learned standing counsel submitted that the said government order was made applicable to Thiru.K.Govindarajulu and benefits were also accordingly



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disbursed. However, he would strongly submit that the petitioner cannot claim parity with the said Govindarajulu because his basic pay was higher than the basic pay arrived at as per G.O.(Ms) No.142. On the other hand, in the case of Govindarajulu, the basic pay drawn by him during the relevant time was lower than the one arrived at G.O. (Ms) No.142.

5.In my view, this distinction may not really hold good. The only question is regarding applicability of the said government order. Govindarajulu retired on 30.06.2008 and therefore, the said government order applied to him. The petitioner herein also retired on 28.02.2009. That is after the cut off date. Therefore, the respondents will apply the aforesaid government order and disburse the difference in leave salary as well as gratuity. This amount shall be paid within a period of twelve weeks from the date of receipt of a copy of this order. In normal circumstance, this Court would award interest. Inasmuch as, the writ petitioner approached the Court only in the year 2020, if the Management pays the differential amount within twelve weeks, it will not carry interest. If within twelve weeks, the amount will not be paid, it will carry interest at the rate of 6% thereafter.



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6.The writ petition is allowed accordingly. No costs.

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G.R.SWAMINATHAN, J.

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