



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.03.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.(MD) No.7964 of 2019

N.Sekar

... Petitioner

Vs.

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

2.The Managing Director,
Tamil Nadu State Transport Corporation
(Kumbakonam) Limited,
New Railway Station Road,
Kumbakonam-612 001.

3.The Administrator,
Tamil Nadu State Transport Corporation
Employees Pension Trust,
Thiruvalluvar House,
Pallavan Salai,
Chennai-600 002.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the second respondent dated 05.02.2019 quash the same and consequently direct the respondents to revise the petitioner's pay scale appropriately on par with his juniors from April 2010, to pay the difference of salary from April 2010 to 31.07.2018 and to further direct the respondents to pay the retirement benefits to the petitioner on the basis of the revised pay within a stipulated time that may be fixed by this Court.

For Petitioner : Mr.M.Jerin Mathew

For Respondent : Mr.D.Sadiq Raja
Additional Government Pleader
for R1
Mr.P.Balasubramaniam for RR2 & 3



O R D E R

The order impugned states that the petitioner namely Mr.N.Sekar was working as Deputy Manager. Comparing one Mr.Elango, the petitioner has submitted an application for stepping up of his pay as the said Elango is junior to the petitioner.

2. However, the learned counsel appearing for the respondent made a submission that the alleged Elango is working as Deputy Manager (Technical).

3. As per the Common Service Rules, the Deputy Manager, (Technical) and Deputy Manager (Administrative) are not comparable and their service conditions are also different. Therefore, the case of the petitioner for stepping up of his pay on par with the Deputy Manager (Technical) cannot be granted. However, the petitioner is disputing the same. Such disputed facts are to be adjudicated on merits and with reference to the Rules by the Appellate Authority. The petitioner, if aggrieved, is at liberty to approach the Appellate Authority or the Government, as the case may be.

4. With this liberty, the Writ Petition stands disposed of. No costs.

Sd/-

Deputy Registrar (LA & MC)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

ssb

To

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

2.The Managing Director,
Tamil Nadu State Transport Corporation
(Kumbakonam) Limited,
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Tamil Nadu State Transport Corporation
Employees Pension Trust,
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+1 CC to M/s.M.JERIN MATHEW, Advocate (SR-9327[F] dated 01/03/2022)

+1 CC to M/s.P.BALASUBRAMANIAN, Advocate (SR-9329[F] dated
01/03/2022)

+1 CC to M/s.SPL GP (SR-9412[F] dated 02/03/2022)

W.P. (MD) No.7964 of 2019

01.03.2022

MGJ(16.03.2022) 3P 7C