



WP(MD)No.15318 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **14.07.2022**

CORAM:

THE HONOURABLE **MR.JUSTICE G. CHANDRASEKHARAN**

W.P.(MD)No.15318 of 2022

G.Nirmala

... Petitioner

/vs./

1.The Managing Director,
The Tamil Nadu State Transport Corporation
(Kumbakonam) Limited,
Kumbakonam.

2.The General Manager,
The Tamil Nadu State Transport Corporation
(Kumbakonam) Limited,
Kumbakonam Region,
Kumbakonam.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to revise the pay of the petitioner with effect from 01.01.2016 notionally and to pay difference in earned leave salary with effect from the date of retirement of the petitioner together with interest at the rate of 6% per annum in terms of 7th Pay Commission Recommendations for revision of pay scales as per G.O.Ms.No.134, Transport (D) Department dated 09.04.2018.



WP(MD)No.15318 of 2022

WEB COPY

For Petitioner : Mr.A.Rahul
For Respondents : Mr. K.Jagadees Balan,
Standing Counsel

ORDER

This Writ Petition has been filed to direct the respondents to revise the pay of the petitioner with effect from 01.01.2016 notionally and to pay difference in earned leave salary with effect from the date of retirement of the petitioner together with interest at the rate of 6% per annum in terms of 7th Pay Commission Recommendations for revision of pay scales as per G.O.Ms.No.134, Transport (D) Department dated 09.04.2018.

2.Mr.K.Jagadees Balan, learned Standing Counsel takes notice for the respondents. By consent, this writ petition is taken up for final disposal at the admission stage itself.

3.The learned counsel appearing for the petitioner submitted that the petitioner joined the service as Junior Assistant. After periodical promotion, he



WP(MD)No.15318 of 2022

was promoted as Selection Grade Superintendent and retired from service on 31.01.2018. By G.O.Ms.No.303, Finance (Pay Cell) Department, dated 11.10.2017 and G.O.Ms.No.311, Finance (Pay Cell) Department, dated 23.10.2017, the Government of Tamil Nadu, based on the recommendations of the official committee 2017, on revision of pay of allowances to the Government Employees, based on the 7th Central Pay Commission Recommendations, issued orders revising the pay of the Government Employees on par with the 7th pay Commission Recommendations. As per the request of the Managing Director of All State Transport Corporations, the Government of Tamil Nadu issued G.O.Ms.No.134, Transport (D) Department, dated 09.04.2018, ordered to implement the Tamil Nadu Revised Pay Rules, 2017 and applicable allowances to the Managerial Cadre Officers, Technical/Administrative-Supervisory Cadre Employees of State Transport Undertakings as per 7th pay commission recommendations. He further submitted that the petitioner belongs to Supervisory Cadre Officer and his pay has to be revised notionally from 01.01.2016 with monetary benefits from 01.10.2017. In this regard, the petitioner sent a representation on 04.05.2022 to the respondents. Since the same has not been considered, the petitioner has approached this Court by way of filing this



WP(MD)No.15318 of 2022

WEB COPY Writ Petition.

4.The learned Counsel appearing for the petitioner submitted that it would suffice, if the petitioner's representation is considered.

5.On perusal of G.O.Ms.No.134, Transport (D) Department, dated 09.04.2018, It is made clear that the benefits of 7th pay commission is applicable to the Managerial Cadre Officers and Technical/Administrative Supervisory Cadre employees of State Transport Undertakings, wherein, the Paragraph No.5 is extracted hereunder:

5.The Government after careful examination of the proposal of the Managing Directors of all State Transport Undertakings in detail and ordered to implement the Tamil nadu Revised Pay Rules 2017 and applicable allowances to the Managerial Cadre Officers and Technical/Administrative Supervisory Cadre employees of State Transport Undertakings as ordered in Government Order second to seventh read above duly following the



WP(MD)No.15318 of 2022

WEB COPY

guidelines specified in the Government Order eighth and the Government Letter ninth read above. Further, the Managing Directors of all State Transport Undertakings are requested ensure that:-

(i)the entire financial commitment due to implementation of Revised Pay and Allowances etc., are borne by the respective corporations from out of their own resources without seeking any financial assistance from the Government either directly or indirectly.

(ii)appropriate action is taken to explore the possibilities of manpower rightsizing wherever possible in order to reduce the additional manpower cost likely to be incurred due to the implementation of pay revision.

6.Under these circumstances, the respondents are directed to consider the representation of the petitioner, dated 04.05.2022 and pass appropriate orders on the basis of the petitioner's entitlement of revision of pay and pension as per the 7th Pay Commission Recommendations, on merits and in accordance with law within a period of eight weeks from the date of receipt of a copy of this order. The



WP(MD)No.15318 of 2022

WEB COPY

petitioner, if eligible, may be paid the arrears of pay and pension amount and differences in other amounts for which the petitioner is entitled.

7. With the above direction, this Writ Petition is disposed of. No costs.

14.07.2022

Index : Yes / No

Internet : Yes / No

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WP(MD)No.15318 of 2022

WEB COPY

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WEB COPY



WP(MD)No.15318 of 2022

G. CHANDRASEKHARAN, J.

vsg

Order made in
W.P.(MD)No.15318 of 2022

Dated:
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