



W.P.(MD)No.16888 of 2016

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.11.2022

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD)No.16888 of 2016

K.Marimuthu

... Petitioner

vs.

1. The Managing Director,
Tamil Nadu State Transport Corporation (Madurai) Limited,
Bye Pass Road, Madurai – 625 016
2. The General Manager,
Tamil Nadu State Transport Corporation (Madurai) Limited,
Dindigul Region, Collectorate (PO),
Dindigul – 624 004.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of *Writ of Mandamus*, directing the respondents to extend the benefits of VI Pay Commission benefits from 01.01.2006 in the category of Superintendents with effect from 15.10.2008, the date on which the petitioner completes 24 years of service from the date of joining duty as Junior Assistant on 15.10.1984 in terms of G.O.Ms.No.146, Transport (C) Department, dated 30.11.2015 like those of other similarly placed persons i.e., Tvl. B. Nagarajan,



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R. Selvaraj, K. Anandan and P. Rajendran and consequently revise the pay and pension of the petitioner.

For Petitioner : Mr.S.S.Govindan

For Respondents : Mr.J.Senthil Kumaraiah,
Standing Counsel

ORDER

This Writ Petition is filed for issuing Writ of ***Mandamus***, seeking direction to the respondents to extend the benefits of VI Pay Commission benefits from 01.01.2006 in the category of Superintendents, with effect from 15.10.2008, the date on which the petitioner completes 24 years of service from the date of joining duty as Junior Assistant on 15.10.1984 in terms of G.O.Ms.No.146, Transport (C) Department, dated 30.11.2015 like those of other similarly placed persons i.e., Tvl. B. Nagarajan, R. Selvaraj, K. Anandan and P. Rajendran and consequently revise the pay and pension of the petitioner.

2. Heard Mr.S.S.Govindan, learned counsel appearing for the petitioner and Mr.J.Senthil Kumaraiah, learned Standing Counsel appearing for the respondents. Perused the material documents available on record.



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3. The petitioner has joined service as Apprentice, Junior Assistant/Junior Cash Keeper through Employment Exchange in the respondents corporation, in a consolidated pay of Rs.350/-and joined on 15.10.1984. Thereafter, the petitioner was re-designated as Junior Assistant (Trainee) by, order, dated 28.06.1985. The petitioner was granted promotion periodically, as per the Rules applicable to the respondents corporation. The petitioner was promoted as Superintendent on 28.07.2009.

4. The contention of the petitioner is that, there was no pay benefits for the post of Superintendent. Thereafter, the petitioner was granted promotion as Senior Superintendent on 30.06.2015. In the meantime, G.O.MS.No.146, Transport (C) Department, dated 30.11.2015, was passed on 30.11.2015., thereby, the scale of pay was refixed, as applicable in the VI Pay Commission. While refixing the pay, the petitioner alleged that pay anomaly arises. The petitioner has given in detail, as below:



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Sl.No.	Date of Joining	Date	Salary
1.	B.Nagarajan	21.04.1983	Rs.17,800/-
2.	R.Selvaraj	27.05.1981	Rs.18,900/-
3.	K.Anandan	14.05.1983	Rs.18,340/-
4.	P.Rajendran	16.06.1982	Rs.18,180/-
5.	K.Marimuthu [Petitioner]	15.10.1984	Rs.15,700/-

5. In the meanwhile, the petitioner has attained superannuation on 31.10.2015 and was allowed to retire from service. The petitioner alleged that, there was a huge difference among the same cadre of Superintendent. On perusal of the above tabulation, this Court also finds that there is a huge difference. However, under Article 226 of the Constitution of India, this Court cannot decide factual disputes.

6. In view of the foregoing reasons, this matter is remitted back to the 1st respondent and the 1st respondent is directed to consider the petitioner's representation, dated 06.08.2016, in the light of the VI Pay Commission and also in the light of the ***G.O.MS.No.146, Transport (C) Department, dated 30.11.2015,*** and also similarly placed persons, like, Tvl. B. Nagarajan, R. Selvaraj,



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K. Anandan and P. Rajendran and pass speaking order. The 1st respondent is further directed to pass an order, within a period of eight weeks, from the date of receipt of a copy of the order.

7. With the above directions, this Writ Petition is disposed of.

No Costs.

Index : Yes / No
Internet : Yes
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S.SRIMATHY, J

ksa

Order made in
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