



W.P.Nos.3697, 3699, 3703, 3705, 3706 & 4432 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08..09..2023

Coram

THE HON'BLE MR JUSTICE N.SATHISH KUMAR

Writ Petition Nos.3697, 3699, 3703, 3705, 3706 & 4432 of 2023

D.Parimelazhagan

..... Petitioner in W.P.No.3697 of 2023

S.Amirthalingam

..... Petitioner in W.P.No.3699 of 2023

S.Sabapathy

..... Petitioner in W.P.No.3703 of 2023

E.Mohan

..... Petitioner in W.P.No.3705 of 2023

V.Mahialagan

..... Petitioner in W.P.No.3706 of 2023

J.Sekar

..... Petitioner in W.P.No.4432 of 2023

-Versus-

1.The Managing Director,
Metropolitan Transport Corporation
(Chennai) Limited,
Pallavan Illam, Pallavan Salai,
Chennai 600002.

2.The Chief Financial Officer,
Metropolitan Transport Corporation
(Chennai) Limited,
Pallavan Illam, Pallavan Salai,
Chennai 600 002.

..... Respondents in all Writ Petitions



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Prayer in W.P.No.3697 of 2023: Petition filed under Article 226 of The Constitution of India, praying to issue a Writ of Certiorarified Mandamus calling for the records of the 2nd respondent vide order No.Vu.Ku.No.28006/Gratuity Section-3/MTC/2022 dated 14.12.2022 and to quash the same and consequently, direct the respondents to pay to the petitioner difference in gratuity, leave salary and surrender leave with 12% interest.

Prayer in W.P.No.3699 of 2023: Petition filed under Article 226 of The Constitution of India, praying to issue a Writ of Certiorarified Mandamus calling for the records of the 2nd respondent vide order No.Vu.Ku.No.28006/Gratuity Section-3/MTC/2022 dated 14.12.2022 and to quash the same and consequently, direct the respondents to pay to the petitioner difference in gratuity, leave salary and surrender leave with 12% interest.

Prayer in W.P.No.3703 of 2023: Petition filed under Article 226 of The Constitution of India, praying to issue a Writ of Certiorarified Mandamus calling for the records of the 2nd respondent vide order No.Vu.Ku.No.28006/Gratuity Section-3/MTC/2022 dated 14.12.2022 and to quash the same and consequently, direct the respondents to pay to the petitioner difference in gratuity, leave salary and surrender leave with 12% interest.

Prayer in W.P.No.3705 of 2023: Petition filed under Article 226 of The Constitution of India, praying to issue a Writ of Certiorarified Mandamus calling for the records of the 2nd respondent vide order No.Vu.Ku.No.28006/Gratuity Section-3/MTC/2022 dated 14.12.2022 and to quash the same and consequently, direct the respondents to pay to the petitioner



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difference in gratuity, leave salary and surrender leave with 12% interest.

Prayer in W.P.No.3706 of 2023: Petition filed under Article 226 of The Constitution of India, praying to issue a Writ of Certiorarified Mandamus calling for the records of the 2nd respondent vide order No.Vu.Ku.No.28006/Gratuity Section-3/MTC/2022 dated 14.12.2022 and to quash the same and consequently, direct the respondents to pay to the petitioner difference in gratuity, leave salary and surrender leave with 12% interest.

Prayer in W.P.No.4432 of 2023: Petition filed under Article 226 of The Constitution of India, praying to issue a Writ of Certiorarified Mandamus calling for the records of the 2nd respondent vide order No.Vu.Ku.No.28006/Gratuity Section-3/MTC/2022 dated 14.12.2022 and to quash the same and consequently, direct the respondents to pay to the petitioner difference in gratuity, leave salary and surrender leave with 12% interest.

*For Petitioner : Mr.S.T.Varadarajalu
for petitioners in all
Writ Petitions*

*For Respondent (s) : Mr.R.Balaji,
Standing Counsel for RR1 & 2
in all Writ Petitions*



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COMMON ORDER

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Challenge in these writ petitions is to the individual orders dated 14.12.2022 passed by the 2nd respondent refusing to pay the difference in gratuity as per 7th Pay Commission for the employees who have retired prior to 01.10.2017.

2. The petitioners are retired employees of the respondent corporation. They retired as Senior Assistant Engineer or Selection Grade Assistant Engineer, Assistant Engineer or Junior Engineer. They retired on attaining the age of superannuation before 01.10.2017. They were settled terminal benefits as per the recommendations made in 6th Pay Commission. After their retirement, the Government of Tamil Nadu had implemented the recommendations of the 7th Pay Commission and revised the pay and allowances accordingly which came into effect from 01.01.2016, however, monetary benefits were given effect from 01.10.2017. The respondent corporation revised the pay to the serving employees in April 2018 and for the retired employees in October, 2019 only. However, the respondent corporation had not settled the revised service / terminal benefits such as difference in leave salary and difference in gratuity as per the recommendations of 7th Pay Commission and surrendered Earned Leave Salary while on service. The



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respondent by individual orders dated 14.12.2022 declined to grant the reliefs claimed by the petitioners which are nothing but illegal and the same are liable to be set aside.

3. Heard both sides.

4. The grievance of the petitioners is that the gratuity and leave surrender salary were not paid to them as per the recommendations made under 7th Pay Commission.

5. The learned counsel for the petitioners submitted that after filing of these writ petitions, the State Government by its letter dated 25.05.2023 has, in fact, agreed and clarified that as per 7th Pay Commission and G.O.(Ms) No.134, Transport (D) Department dated 09.04.2018, the employees who have retired during the period from 01.01.2016 to 08.04.2018 are entitled to the revised new pay structure and on that basis gratuity (DCRG) and leave Salary shall be calculated and paid to them.

6. The learned standing counsel appearing for the petitioner has not disputed the above factual position.

7. A perusal of the Government letter referred to above made it clear that the petitioners who have retired between 01.01.2016 and 08.04.2018 are entitled to revised pay structure and as such they are entitled to difference in



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gratuity and leave salary. The petitioners cannot be denied such benefits.

Therefore, the orders impugned in the writ petitions denying the difference in payment of gratuity and leave salary are liable to be quashed.

In the result, the writ petitions are allowed. The impugned orders of the 2nd respondent dated 14.12.2022 are quashed. The respondents are directed to calculate the difference in payment of gratuity and leave salary as per rules and taking into consideration the clarification letter of the Additional Chief Secretary to Government of Tamil Nadu, Department of Transport, dated 25.05.2023 referred to above and settle the same together with applicable interest, if any, as per rules within a period of two months from the date of receipt of a copy of this order. No costs.

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Index : yes / no
Neutral Citation : yes / no
Speaking / Non Speaking Order
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1.The Managing Director,
Metropolitan Transport Corporation
(Chennai) Limited,
Pallavan Illam, Pallavan Salai,
Chennai 600002.

2.The Chief Financial Officer,
Metropolitan Transport Corporation
(Chennai) Limited,
Pallavan Illam, Pallavan Salai,
Chennai 600 002.



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N.SATHISH KUMAR.J.,

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