



W.P.No.20574 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.01.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.20574 of 2016
and
W.M.P.No.17684 of 2016

V.Kishore Kumar

...Petitioner

Vs

The Managing Director,
Puducherry Road Transport Corporation,
Puducherry.

...Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondent to grant the scale of pay at Grade pay Rs.8,700/- and basic pay Rs.48,040/- to the petitioner from May 2016 and also direct the respondent to grant other attendant benefits that have not been disbursed to the petitioner till date.

For Petitioner : Mr.V.Subramani

For Respondent : Mr.A.R.Nixon



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ORDER

Heard Mr.V.Subramani, learned counsel for the petitioner and Mr.A.R.Nixon, learned counsel for the respondent.

2. It is stated by the learned counsel for the petitioner that pending the writ petition, the respondent had reduced the petitioner's scale of pay, through a proceedings passed in January, 2017, with effect from May, 2016.

3. The prayer in the present writ petition is only for a mandamus directing the respondent to grant the scale of pay at Rs.48,040 and Grade Pay at Rs.8,700/- from May, 2016.

4. When the respondent had issued proceedings subsequent to the file of the writ petition and recovered the alleged excess payment also, the only option available to the petitioner would be to challenge the proceedings and this Court will not be in a position to pass orders in the present writ petition, without such a proceedings being challenged.



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However, if liberty is granted to the petitioner to challenge the proceedings of the respondent, the ends of justice could be secured.

5. In the light of the above observation, the writ petition stands closed with liberty to the petitioner to challenge the proceedings of the respondent herein, reducing the scale of pay of the petitioner, as well as the consequential recovery made. No costs. Consequently, connected miscellaneous petition is closed.

30.01.2023

Index:Yes/No

Neutral Citation:Yes/No

Speaking order/Non-speaking order

hvk

To

The Managing Director,
Puducherry Road Transport Corporation,
Puducherry.



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M.S.RAMESH,J.

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