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W.P.No.25868 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.01.2023

CORAM

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.No.25868 of 2017

N.Elango

... Petitioner

Vs

1. The State Express Transport Corporation Ltd.,
Rep by its Managing Director,
No.2, Pallavan Salai,
Chennai-600 002.

2. M/s State Express Transport Corporation Ltd.,
Rep by its General Manager,
No.2, Pallavan Salai,
Chennai-600 002.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents to restore the original basic pay of Rs.12,400/- received by the petitioner in the previous post instead of reduced pay of Rs/10,450/- and pay the consequential arrears with interest at the rate of 6% per annum.

For petitioner ... Mr.D.soundarraaj

For Respondents ... Mr.K.Kathiresan



W.P.No.25868 of 2017

ORDER

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The petitioner herein originally joined in the respondent corporation as Junior Tradesman on 01.01.1982 and was promoted as Assistant Tradesman and then promoted as Selection Grade Senior Tradesman. Since the petitioner was in possession of the required qualification, he was appointed as Junior Engineer on 28.02.2013, as a fresh entrant. Clause 2 and 12 of the appointment order dated 27.02.2013 read as follows:-

“ 2. He will be fixed in the Time scale of Rs.9300-34800+GP 4400 in pay band 2 as applicable to Technical Supervisors protecting his present pay drawn in the old post.

12. He will be eligible to the protection of the pay drawn at the time of such appointment, if his pay in the former post higher than the minimum of the scale in the new post, by fixing his pay at the same rate. If there is a corresponding stage in the scale attached to the new post or at the next higher stage, if there is no such corresponding stage.”

2. As per the above conditions in the appointment order, if the petitioner was



W.P.No.25868 of 2017

drawing a higher basic pay while he was being promoted to the post of Junior Engineer, the respondents were required to fix the same basic pay, thereby protecting his then existing basic pay.

3. The petitioner herein has produced a copy of the salary bill for the month of February, 2013 when he was employed as Selection Grade Senior Tradesman which evidences that he is drawing a basic pay of Rs.12,400/-. Likewise, the salary bill for the month of March 2013, when he was appointed as Junior Engineer evidences that his basic pay was fixed at Rs.10,450/-.

4. Apparently, even as stated in the Clause 2 and 12 of the appointment order, the petitioner's pay drawn in the old post has not been protected when he was given promotion to a higher post. As such, the petitioner would be entitled for revised basic pay by restoring his original basic pay drawn in the post of Selection Grade Senior Tradesman.

5. In view of the above, the petitioner is granted liberty to make an appropriate representation to the first respondent herein, seeking for restoration of



W.P.No.25868 of 2017

M.S.RAMESH,J.,

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his original basic pay at Rs.12,400/- instead of Rs.10,450/- and on receipt of such representation, the first respondent herein shall consider the same positively in the light of the above findings and pass appropriate orders within a period of six weeks from the date of receipt of a copy of this order.

The writ petition is ordered accordingly. No costs.

04.01.2023

Index: Yes/ No

Speaking Order/Non-speaking Order

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To

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W.P.No.25868 of 2017