



W.P.(MD).No.11395 of 2021

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.08.2023

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**THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

**W.P.(MD).No.11395 of 2021**

T.Selvaraj

... Petitioner

Vs.

- 1.The Managing Director,  
Tamil Nadu State Transport Corporation  
(Villupuram) Limited,  
Villupuram.
- 2.The General Manager,  
Tamil Nadu State Transport Corporation  
(Villupuram) Limited,  
Cuddalore Region,  
Cuddalore.
- 3.The Administrator,  
Tamil Nadu State Transport Corporation  
Pension Fund Trust,  
Thiruvalluvar Illam,  
Pallavan Salai,  
Chennai-2.

... Respondents

**Prayer** : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to revise the pay of the petitioner with effect from 01.01.2016 notionally and to



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pay the difference in gratuity, difference in earned leave salary, difference in pension arrears with effect from the date of retirement of the petitioner together with interest at the rate of 18% per annum in terms of 7<sup>th</sup> Pay Commission Recommendations for revision of pay scales as per G.O.Ms.No.134, Transport (D) Department, dated 09.04.2018.

For Petitioner : Mr.A.Rahul

For R-1 & R-2 : Mr.D.Sivaraman  
Standing Counsel

For R-3 : Mr.S.C.Herold Singh  
Standing Counsel

### **ORDER**

The present writ petition has been filed seeking direction to the respondents to revise the pay of the petitioner with effect from 01.01.2016 notionally and to pay the difference in gratuity, difference in earned leave salary, difference in pension arrears with effect from the date of retirement of the petitioner together with interest at the rate of 18% per annum in terms of 7<sup>th</sup> Pay Commission Recommendations for revision of pay scales as per G.O.Ms.No.134, Transport (D) Department, dated 09.04.2018.



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2. Heard the learned Counsel for the petitioner and the learned Standing Counsels for the respondents and carefully perused the materials available on record.

3. The petitioner joined the services of the first respondent Corporation as Junior Assistant with effect from 29.06.1986. He was confirmed in service on 26.09.1987 and he promoted as Senior Grade Superintendent and he retired from service on 31.01.2017 on attaining the age of superannuation. The Tamil Nadu Revised Scales of Pay Rules, 2009 is applicable to the Government Servants was extended to the Managerial Cadre Officers and Technical / Administrative Supervisory Cadre Employees of State Transport Undertakings. Vide 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 7<sup>th</sup> Central Pay Commission Recommendations issued orders revising the pay of the Government Employees on par with 7<sup>th</sup> Pay Commission recommendations.



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4. With the view to bring out parity and standardisation in the pay scales available to the employees of the State Public Sector Undertakings, orders were issued by the Government from time to time. The Managing Directors of all the State Transport Corporations requested to implement pay revision applicable to the Government Employees to the Managerial Cadre Officers of the State Transport Undertakings duly indicating the respective boards of all the State Transport Undertakings have recommended the same. On that basis, the Government of Tamil Nadu issued G.O(Ms)No.134, Transport (D) Department, dated 09.04.2018 passed orders to implement the Tamil Nadu Revised Pay Rules, 2017 and applicable allowances to the Managerial Cadre Officers of the State Transport Undertakings as per the 7<sup>th</sup> Pay Commission recommendation. The said subject was also placed before the Board of Directors of the first respondent and a resolution in this regard was passed to implement the 7<sup>th</sup> Pay Commission recommendation to the staff of the first respondent.

5. The petitioner is also entitled for the said pay revision as he belonged to the Supervisory Cadre Officer of the first respondent Corporation. His pay has to be revised notionally from 01.01.2016 and monetary benefits has to be given to him. Since he retired from service on 31.01.2017, his pay from



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01.01.2016 is liable to be revised notionally and he is entitled to revision of his terminal benefits including Gratuity, Earned Leave Salary and Pension. Hence, he made a representation, dated 07.04.2021, seeking the revision of his pay notionally on the basis of the 7<sup>th</sup> Pay Commission recommendations. The same was not considered and hence, this writ petition came to be filed.

6. This issue is no longer *res integra* and this Court has already decided in W.P(MD)No.21025 of 2018, dated 23.10.2018, where this Court has dealt with the similar case and the relevant portion of which is extracted as follows:

*“7. Admittedly, the benefits of 7<sup>th</sup> Pay Commission is not applicable to the workmen category and they are governed by Settlement and Award. In case, the benefits of 7<sup>th</sup> Pay Commission had already been granted to the in-service candidates (workmen category), as stated by the petitioner, the same benefits shall be extended to the others. In my view, as the petitioner is coming under managerial category, the benefits of 7<sup>th</sup> Pay Commission has got to be extended to the petitioner taking into account any cut-off date for granting the benefits. In case, the petitioner comes within the cut-off date, within a period of two months from the date of receipt of a copy of this order. The arrears shall be paid to the petitioner together with interest at 6% per annum.”*



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7. This Court is fully in consonance with the said order and hence, this Court observing that the petitioner is coming under the Supervisory Cadre Officer, he is entitled to the benefits and if the petitioner comes within the cut of date, the respondents are directed to pay the eligible amount whatever he is entitled with and the arrears shall be paid to the petitioner with an interest of 6%, within a period of eight (8) weeks from the date of receipt of a copy of this order.

8. This writ petition stands disposed of. There shall be no order as to costs.

**16.08.2023**

NCC : Yes / No  
Index : Yes / No  
Internet : Yes  
BTR

To

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(Villupuram) Limited,  
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**L.VICTORIA GOWRI, J.**

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