



W.P(MD)No.2274 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 30.03.2023

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THE HONOURABLE MR.JUSTICE **BATTU DEVANAND**

W.P.(MD)No.2274 of 2019

M.Rajaram

... Petitioner

Vs.

1.The Managing Director,
The Tamil Nadu State Transport
Corporation (Tirunelveli) Limited,
Kattapomman Nagar,
Tirunelveli 627 011.

2.The General Manager,
The Tamil Nadu State Transport
Corporation (Tirunelveli) Limited,
Nagercoil Region, Tirunelveli.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records relating to the impugned order passed by the 2nd respondent in his order no. Thani / Sapapi 2 / Tha.A.Po.Ka(Thili) / 2016, dated 21.02.2017 and to quash the same and consequently, to direct the respondents to pay the difference amount of encashment of earned leave based on the revised scale of pay as per the VI pay commission report.

For Petitioner : Mr.C.Thangamani
For Respondents : Mr.K.Sathiya Singh



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ORDER

This Writ Petition is filed against the impugned order passed by the 2nd respondent, dated 21.02.2017 and for a consequential direction to the respondents to pay the difference amount of encashment of earned leave based on the revised scale of pay as per the VI pay commission report.

2. The petitioner was working as Senior Deputy Manager and retired from service on 31.03.2007. The Government issued revised scale of pay and allowances for the Government employees with effect from 01.01.2006 through G.O.Ms.Nos.234 and 236, Finance (PC) Department, dated 01.06.2009. The respondent Corporation has also extended the same revision, vide G.O.Ms.No.63, Transport (D) Department, dated 05.02.2010. The said G.O., has given revision retrospectively from 01.01.2006. Therefore, the petitioner being in managerial cadre is seeking the benefits of G.O.Ms.No.63, Transport (D) Department, dated 05.02.2010.



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3. The learned counsel appearing for the petitioner would submit that in the similar issue, this Court passed an order in W.P(MD)No.1318 of 2010 dated 30.03.2023.

4. The learned counsel appearing for the respondents would fairly concede the said submission.

5. Heard Mr.C.Thangamani, learned Counsel appearing for the petitioner and Mr.K.Sathiya Singh, learned Counsel appearing for the respondents and perused the records.

6. By following the order passed by this Court on 30.03.2023 in W.P(MD)No.1318 of 2019, this Court is of the view that the impugned order is liable to be quashed and accordingly, the same is quashed. From 01.01.2006 until the date of retirement, the petitioner is entitled to the revision of pay and earned leave also. Therefore, this Court is directing the respondents to calculate the revision as per G.O.Ms.No.63, Transport (D) Department, dated 05.02.2010 for the period from 01.01.2006 to 31.07.2009 and pay the difference within a period of four months from



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the date of receipt of a copy of this order. However, the said amount does not carry any interest.

7. Accordingly, this Writ Petition is allowed.

8. No costs.

14.09.2023

Index : Yes / No
Internet : Yes
NCC : Yes / No
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BATTU DEVANAND, J

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