



W.P.(MD).No.14557 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.08.2023

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.14557 of 2022

R.Kannan

... Petitioner

Vs.

1.The Tamil Nadu State Transport Corporation

(Kumbakonam) Limited,

Represented by its Managing Director,

Kumbakonam.

2.The General Manager,

Tamil Nadu State Transport Corporation

(Kumbakonam) Limited,

Kumbakonam Region,

Kumbakonam-612 001.

3.The Chief Financial Officer,

Tamil Nadu State Transport Corporation

(Kumbakonam) Limited,

Corporate Office,

Kumbakonam-612 001.

4.The Administrator,

Tamil Nadu State Transport Corporation

Employees Pension Fund Trust,

Thiruvalluvar House, Anna Salai,

Chennai-600 002.

... Respondents



W.P.(MD).No.14557 of 2022

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 pay difference in salary, difference in Gratuity, difference in Earned Leave Salary and arrears of Pension from June 2016 to October 2019 together with interest at the rate of 18% per annum and also to pay interest at the rate of 18% per annum on belated payment of difference in Commuted Value of Pension from June 2016 to October 2019 in terms of 7th Pay Commission recommendations for revision of pay and as per G.O(Ms)No.134, Transport Department, dated 09.04.2018.

For Petitioner : Mr.S.Anandha Kumar
For R-1 to R-3 : Mr.K.Jegadeesh Balan
Standing Counsel
For R-4 : Mr.S.C.Herold Singh
Standing Counsel

ORDER

The present writ petition has been filed seeking direction to the respondents to pay difference in Salary, difference in Gratuity, difference in Earned Leave Salary and arrears of Pension from June, 2016 to October, 2019 together with interest at the rate of 18% per annum and also to pay interest at the rate of 18% per annum on belated payment of difference in Commuted Value of Pension from June, 2016 to October, 2019 in terms of 7th Pay



W.P.(MD).No.14557 of 2022

Commission recommendations for revision of pay and as per G.O(Ms)No.134, Transport Department, dated 09.04.2018.

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 was retired from service on 31.05.2016 as Senior Superintendent 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 7th Central Pay Commission Recommendations issued orders revising the pay of the Government Employees on par with 7th Pay Commission recommendations.



W.P.(MD).No.14557 of 2022

WEB COPY

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 7th 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 7th 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. Since he retired from service on 31.05.2016, he is entitled for terminal benefits including Gratuity, Earned Leave Salary and arrears of Pension. Hence, he made a



W.P.(MD).No.14557 of 2022

representation, dated 06.06.2022, seeking the revised benefits of Earned Leave Salary, Gratuity, Difference and arrears of pension. 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 7th Pay Commission is not applicable to the workmen category and they are governed by Settlement and Award. In case, the benefits of 7th 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 7th 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.”

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



W.P.(MD).No.14557 of 2022

WEB COPY

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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(Kumbakonam) Limited,
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2.The General Manager,
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W.P.(MD).No.14557 of 2022

L.VICTORIA GOWRI, J.

BTR

W.P.(MD).No.14557 of 2022

16.08.2023