



W.P.(MD).No.17171 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.07.2023

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THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.17171 of 2023

R.Radhakrishnan

... Petitioner

Vs.

1.The Principal Secretary to Government,
Transport Department,
Fort St.George,
Chennai-600 009.

2.The Managing Director,
Tamil Nadu State Transport Corporation TNL Ltd.,
Thoothukudi Road, KTC Nagar,
Tirunelveli-627 011.

3.The General Manager,
TNSTC (TNL) Ltd.,
Nagercoil Region,
Ranithottam,
Nagercoil-629 001,
Kanyakumari District.

4.V.Ananjaperumal

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to pass an order to rectify the pay anomaly and pay the salary and other service benefits on par with his junior



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V.Ananjaperumal, Driving Instructor E.D.P.No.7077 of Tamil Nadu State Transport Corporation (Tirunelveli) Ltd, Ranithottam, Nagercoil within a time stipulated by this Court.

For Petitioner : Mr.K.P.Krishnadoss
For R1 : Mr.P.Thambidurai
Government Advocate
For R2 & R3 : Mr.K.Ramaiah
Standing Counsel

ORDER

The present writ petition has been filed to pass an order to rectify the pay anomaly and pay the salary and other service benefits on par with his junior V.Ananjaperumal, Driving Instructor E.D.P.No.7077 of Tamil Nadu State Transport Corporation (Tirunelveli) Ltd, Ranithottam, Nagercoil within a time stipulated by this Court.

2. The petitioner was appointed as Driver in the respondent corporation on 13.02.1988. After serving 35 years, he retired on 31.07.2023. However, in the meanwhile, when he was in service, it was learnt by him that his juniors, who were serving as Drivers were receiving higher salary than him by fixing



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higher basic pay from 2010. In view of the same, the petitioner made several representations to the respondents 2 and 3 enclosing the pay slips of the petitioner himself and his junior one Mr.Rajkumar seeking to rectify the pay anomaly. Thereafter, since his representations were not considered, the petitioner raised an industrial dispute in I.D.No.16 of 2015 before the Labour Court, Tirunelveli and that was also allowed by an order, dated 19.08.2015. Despite that, his case was not considered by the respondents.

3. Thereafter, once again the petitioner made an application on 27.05.2023 seeking to rectify the aforesaid pay anomaly on the basis of the pay received by his junior in service one Mr.V.Ananjaperumal, who was receiving higher pay scale, at least more than Rs.5,000/- than that of the petitioner. However, that was also not considered. Hence, this writ petition came to be passed.

4. The learned counsel for the petitioner relying on the order passed by a learned Single Judge of this Court in W.P.No.5587 of 2021 and another order passed by this Court in W.P(MD)No.737 of 2020 pressed for allowing the writ petition.



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5. The learned standing counsel fairly submitted that his representation will be considered within a period of 6 weeks.

6. Heard Mr.K.P.Krishnadoss, learned counsel for the petitioner, Mr.P.Thambidurai, learned Government Advocate for the 1st respondent and Mr.K.Ramaiah, learned counsel for the respondents 2 and 3.

7. Considering the fact that the petitioner is likely to retire on 31.07.2023, the respondents are directed to consider this case as a special case and further directed to consider the representation made by the petitioner on 27.05.2023 in the light of the order passed by this Court in the aforesaid writ petitions, within a period of two (2) weeks from the date of receipt of a copy of this order. The respondents are directed to consider the pay anomaly and pay salary and other service benefits of the petitioner on par with his junior Ananjaperumal, Driving Instructor of the respondent corporation. Considering the nature of this case, notice to the 4th respondent is dispensed with.



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8. With the above said observations, this Writ Petition stands disposed of. No costs.

17.07.2023

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

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To

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L.VICTORIA GOWRI, J.

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