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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.06.2023

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD)No.22918 of 2019

K.Ramarathinam

... Petitioner

Vs.

1. The Managing Director,
The Tamil Nadu State Transport
Corporation (Kumbakonam) Limited,
New Railway Station Road,
Kumbakonam – 612 001.

2. The General Manager,
The Tamil Nadu State Transport
Corporation (Kumbakonam) Limited,
New Railway Station Road,
Kumbakonam – 612 001.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, for issuance of a *Writ of Certiorarified Mandamus*, calling for the records relating to the order passed by the respondent in his order, dated 19.03.2013 and to quash the same and consequently directing the respondent to pay the difference amount of encashment of earned leave based on the revised scale of pay as per the VI Pay Commission report with 18% interest.



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For Petitioner : Mr.C.Thangamani
For Respondents : Mr.D.Sivaraman
Standing Counsel

ORDER

This writ petition is filed for *Writ of Certiorarified Mandamus* to quash the impugned order, dated 19.03.2013 with a consequential direction to the respondents to pay the difference amount of encashment of leave, based on the revised scale of pay, as per VI Pay Commission with interest. The respondents have declined the same by stating that the petitioner was retired from service on 31.07.2009.

2. The petitioner is claiming to revise his scale of pay, as per VI Pay Commission based on the G.O.Ms.No.234 & 236 Finance (PC) Department, dated 01.06.2009. The said Government orders are applicable only to the Government employees and not to the Corporation employees. However, it is seen from the records that VI Pay Commission was implemented in the respondent Transport Corporation through the G.O.Ms.No.63, Transport (D) Department, dated 05.02.2010.



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3. It is also seen from the records that the petitioner was retired from service on 31.07.2009 i.e., prior to the G.O.Ms.No.63, Transport (D) Department, dated 05.02.2010.

4. Accordingly, the respondents are directed to consider and pass orders in the light of the G.O.Ms.No.63, Transport (D) Department, dated 05.02.2010. The impugned order, dated 19.03.2013 is hereby quashed. The said exercise shall be completed within a period of 12 weeks from the date of receipt of a copy of the order.

5. With these observations and directions, this Writ Petition is allowed. No Costs.

Index : Yes / No
Internet : Yes
ksa

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S.SRIMATHY, J

ksa

**Order made in
W.P.(MD)No. 22918 of 2019**

13.06.2023