



W.P.(MD).No.28887 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.12.2023

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.28887 of 2023

S.Shanmuga Sundaram

... Petitioner

Vs.

1. The Managing Director,
Tamil Nadu State Transport Corporation (KMB) Ltd.,
27, New Railway Station Road,
Kumbakonam-612 001.

2. The General Manager,
Tamil Nadu State Transport Corporation (KMB) Ltd.,
Karaikudi Region,
Maruthupathi, Managiri Post,
Karaikudi,
Sivagangai District.

... 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 re-fix the pay of the petitioner by adopting 2.57 multiplier /matrix on par with 7th pay revision from the date of promotion with subsequent increments and to revise the terminal benefits and pension further to disburse the difference amount and pension arrears along with 6% interest, based on the petitioner's representation, dated 20.09.2023, within the stipulated time framed by this Court.



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For Petitioner : Mr.K.Gokul

For Respondents : Mr.K.Jagadees Balan
Standing Counsel

ORDER

The present Writ Petition has been filed by a Superintendent working in the respondent Transport Corporation seeking a Mandamus directing the respondents to re-fix the pay of petitioner by adopting 2.57 multiplier/matrix on par with 7th Pay Commission from the date of promotion with subsequent increments and to revise the salary and disburse the difference amount.

2. According to the learned counsel appearing for the petitioner, the cadre of Superintendent being Supervisory and Managerial cadre, is not covered by the settlement under Section 12(3) of the Industrial Dispute Act, entered into between the Trade Union and the Management. However, he is covered by the Tamil Nadu Revised Pay Rules, 2017. As per the said Revised Pay Rules, 2017, he is eligible and entitled to re-fixation of pay by adopting different multipliers/matrix as per 7th Pay Commission. However, presently the benefits are being conferred upon the writ petitioner only to the effect by 2.44 factor.



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3. The learned counsel appearing for the writ petitioner relied upon the judgement of the learned Single Judge of this Court, dated 20.06.2023 in ***W.P(MD) No.3609 of 2020 (S.Sampath Vs. the Additional Chief Secretary to Government and two others)***, wherein this Court was pleased to accept a similar contention and has allowed the writ petition.

4. A perusal of the order of the learned Single Judge of this Court indicates that the petitioner is similarly placed person and therefore, the writ petition stands allowed. Accordingly, the second respondent is directed to confer the benefits upon the writ petitioner and pass orders within a period of twelve (12) weeks from the date of receipt of copy of this order.

5. with the above said observations, this Writ Petition stands allowed.

No costs.

07.12.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
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R.VIJAYAKUMAR,J.

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