



WEB COPY



W.P.No.3692 of 2021 & batch

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.03.2024

CORAM

THE HONOURABLE Ms.JUSTICE R.N.MANJULA

W.P. Nos.3692, 3694, 3697, 3715, 3703, 3710, 3718, 3723 & 3728 of 2021

W.P.No.3692/2021

S.Parthasarathy

...

Petitioner

/vs/

1. The Managing Director,
Metropolitan Transport Corporation
(Chennai) Ltd.,
Pallavan House,
Chennai – 600 002.

2. The Administrator,
Tamil Nadu State Transport Corporations,
Employees Pension Fund Trust,
Thiruvalluvar Illam, Pallavan Salai,
Chennai – 600 002.

... Respondents

Writ Petition is filed under Article 226 of the Constitution of India to issue a writ of mandamus to direct the respondents to pay the petitioner a sum of Rs.6,06,464/- towards difference in Leave Salary, difference in gratuity and difference in commutation arrears / Pension arrears with interest as shown in paragraph 17 of petition affidavit.



WEB COPY



W.P.No.3692 of 2021 & batch

For Petitioner ... Mr.S.T.Varadarajulu
(in all W.P's)

For Respondents ... Mr.C.Gauthamaraj for R1
(in all W.P's)

Mr.C.S.K.Sathish for R2

COMMON ORDER

Heard Mr.S.T.Varadarajulu, the learned counsel for the petitioners,
Mr.C.Gauthamaraj, the learned counsel for the first respondent and
Mr.C.S.K.Sathish, the learned counsel for the second respondent.

2. The petitioners have filed these writ petitions to direct the respondents to pay the difference in Leave Salary, gratuity and commutation arrears / Pension arrears with interest.

3. The petitioners have been working with the first respondent corporation and retired from service between the period from 01.01.2016 to 30.09.2017. However, the terminal benefits have been settled in accordance with the recommendation of 6th Pay Commission. Subsequent to their retirement, the Government of Tamil Nadu had implemented the 7th



W.P.No.3692 of 2021 & batch

Pay Commission recommendations and accordingly the revised scale of pay and allowance came into effect from 01.01.2006 notionally and monetary benefits with effect from 01.10.2017.

4. Mr.S.T.Varadarajulu, the learned counsel for the petitioners, submitted that the respondent corporation, despite revising the pay of the serving employees in accordance with the 7th Pay Commission recommendations, the same was not extended to the retired employees and hence the petitioners are not able to get the difference in Earned Leave salary, Gratuity and all other eligible retiral benefits.

5. In fact the Government Order issued in G.O.Ms.No.313 Finance (Pay Cell) Department dated 25.10.2017, by accepting the recommendations of 7th Pay Commission's report, would state that it is applicable to all those persons who have retired from 01.01.2016 to 30.09.2017. The financial concurrence has been given subsequently vide G.O.Ms.333 dated 09.11.2017. The respondent corporation has also issued specific Government Order in G.O.Ms.No.134 Transport (D) Department



W.P.No.3692 of 2021 & batch

dated 09.04.2018 and according to the same the benefit of 7th Pay

Commission recommendation can be extended to those employees who have retired from the respondent corporation between the period from 01.01.2006 to 08.04.2018. Since the petitioners have retired between the above eligible dates, they are entitled to get the benefit of the above Government Order which allows the revised new pay structure for the petitioners and similarly placed persons. Hence, the first respondent ought to have settled the arrears in terms of the difference in gratuity and leave encashment in view of the application of revised new pay structure to the petitioners.

6. The petitioners have given representations to the respondents in this regard. Since the same was not considered so far, I feel suitable direction should be given to the respondents to consider the same.

7. Accordingly, these Writ Petitions are allowed and the first respondent is directed to consider the representations of the petitioner and pass suitable orders by sanctioning the difference in gratuity and leave



W.P.No.3692 of 2021 & batch

encashment or any other retiral benefits in accordance with the G.O.(Ms)

No.134, Transport (D) Department dated 09.04.2018, to the petitioners

who have retired between the period from 01.01.2016 to 30.09.2017,

within a period of four weeks from the date of receipt of a copy of this

order. No costs.

08.03.2024

Index: Yes / No

Speaking order / Non-speaking order

bkn

To:

1. The Managing Director,
Metropolitan Transport Corporation
(Chennai) Ltd.,
Pallavan House,
Chennai – 600 002.
2. The Administrator,
Tamil Nadu State Transport Corporations,
Employees Pension Fund Trust,
Thiruvalluvar Illam, Pallavan Salai,
Chennai – 600 002.



WEB COPY



W.P.No.3692 of 2021 & batch

R.N.MANJULA ,J.

bkn

W.P. Nos.3692, 3694, 3697, 3715, 3703,
3710, 3718, 3723 & 3728 of 2021

08.03.2024