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W.A.No.2619 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 30.08.2024**

CORAM:

**THE HON'BLE MR.D.KRISHNAKUMAR**  
**ACTING CHIEF JUSTICE**

**AND**

**THE HON'BLE MR.JUSTICE P.B.BALAJI**

**W.A.No.2619 of 2024 and**  
**C.M.P.No.18787 of 2024**

The Director,  
The Institute of Road Transport,  
100 Feet Road, Taramani,  
Chennai-600 113.

... Appellant/Respondent

-VS-

1. Mr.W.Benyamin
2. Mr.B.S.Kathiravan
3. Mr.V.Loganathan
4. Mr.D.John Thoma
5. Mr.C.Ravichandran
6. Mr.R.Krishnamoorthy
7. Mr.R.Periyasamy
8. Mr.G.Balachandar
9. Mr.S.Perumal
10. Mr.N.Parthasarathy
11. Mr.Selam
12. Mr.D.Sundaram
13. Mr.M.Mohammed Iliyas
14. Mr.S.Anbalagan
15. Mr.S.P.Devarajan
16. Mr.N.P.Gunaseelan
17. Mr.S.Puvaneswaran
18. Mr.N.Bhuvaneswaran
19. Mr.G.Gnanasekaran



W.A.No.26 of 2023

20. The Principal,  
Institute of Road and Transport Technology,  
Erode.

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21. The Principal Secretary to Government,  
Department of Higher Education,  
Fort St.George, Chennai-600 009.

... Respondents/Petitioners

**Prayer:** Writ Appeal filed under Clause 15 of Letters Patent to set aside the order dated 06.11.2023 in W.P.No.8690 of 2022 and allow the Writ Appeal.

|               |   |                                                               |
|---------------|---|---------------------------------------------------------------|
| For Appellant | : | Mr.Ramanlal<br>Addl. Advocate General<br>For Mr.C.Gauthamaraj |
| For R1 to R19 | : | Mr.R.Kannan                                                   |
| For R21       | : | Mr.D.Ravichander<br>Spl. Govt. Pleader                        |

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## **J U D G M E N T**

***(By Hon'ble Acting Chief Justice)***

This Writ Appeal has been filed, challenging the order dated 06.11.2023 made in W.P.No.8690 of 2022, by which the Writ Petition was allowed with a direction to the 1<sup>st</sup> respondent therein to revise the pension and pay arrears with 6% interest per annum within three months.

2. Learned Additional Advocate General for the Appellant/Society submitted that the employees and employer contribution for all the 19 Writ Petitioners has duly been remitted in their individual EPF account of Employer Provident Fund



W.A.No.26 of 2022

Organization (EPFO) and they are only disbursing the pension payable to them. He further submitted that all the 19 Writ Petitioners were paid gratuity and encashment of Earn Leave as per their earlier scales on the date of retirement itself and the difference in gratuity (between VI and VII pay commission scale) has been paid for all retired employees, including the Writ Petitioners on 21.10.2022. He also submitted that 7<sup>th</sup> pay commission was approved for all non-teaching employees only on 01.07.2019 and though the date of effect was 31.07.2019, due to the financial position of the society, only 25% of the salary arrear amount has been paid for all the serving and retired employees. The difference in amount of arrears with regard to Earned Leave (based on 7<sup>th</sup> Pay Commission fixation) will be settled now.

3. Learned Additional Advocate General went on to state that considering the financial position of the Society, the College has been taken Higher Education Department from the academic year 2021-2022, even though Rs.26.04 Crore has been spent towards Capital Expenditure by IRT and the Appellant is not funded by the Government of Tamil Nadu. He pleaded before this Court that considering the weak financial position of the Appellant Society, some more time may be granted for disbursing the salary arrears and EL encashment based on the 7<sup>th</sup> pay commission recommendation. According to him, the Appellant Society will settle EL encashment



W.A.No.26 of 2017

within a period of four weeks from today and he requested time only in respect of disbursement of arrears of salary amount.

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4. Taking into account the financial constraint of the Appellant Society and also the fact the Writ Petitioners had received all terminal benefits and only the difference in amount of arrears as per 7<sup>th</sup> Pay Commission has not been received by them, we are inclined to pass the following orders:

i) As assured by the learned Additional Advocate General, the EL Encashment shall be settled to the Writ Petitioners within a period of four weeks from today;

ii) Insofar as the arrears of salary are concerned, the Appellant Society is directed to disburse the same in two installments. The 1<sup>st</sup> installment shall be paid within a period of three months from today and the 2<sup>nd</sup> installment shall be paid within three months thereafter. It is needless to mention that the payment of arrears shall carry interest at the rate of 4% per annum;

iii) In case the Writ Petitioners are entitled to any other benefits, the same shall also be settled to them, if they are otherwise eligible;



W.A.No.26 of 2024

iv) Last but not the least, in the event of non compliance of the above directions by the Appellant, the Writ Petitioners are entitled to interest @ 12% per annum.

With the above observations and directions, this Writ Appeal is disposed of.

No costs. Consequently, connected Miscellaneous Petition is closed.

**[D.K.K.,ACJ.]                      [P.B.B,J.]**  
**30.08.2024**

Index: Yes / No  
Internet: Yes / No  
Speaking Order/Non Speaking Order  
ar

To:

The Principal Secretary to Government,  
Department of Higher Education,  
Fort St.George,  
Chennai-600 009.



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**HON'BLE ACTING CHIEF JUSTICE,**  
**AND**  
**P.B.BALAJI,J.,**  
ar

**W.A.No.2619 of 2024**

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