



WEB COPY



W.P.No.8750 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.03.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.8750 of 2024

S.Subramanian

...Petitioner

-Vs-

1.The Government of Tamil Nadu
Rep. by its Additional Chief Secretary
and Chairman,
State Transport Undertakings,
Transport Department
Secretariat, St. George Fort
Chennai-600 009.

2.Tamil Nadu State Transport Corporation
(Coimbatore)
Rep. by its Managing Director
No.37, Mettupalayam Road
Coimbatore-641 043.

... Respondents

Prayer : Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents to make payment of difference in Earned Leave Salary amount and Difference in Gratuity amount on the basis of the 7th Pay Commission along with interest at 12% per annum from the date due till the actual payment for which the petitioner is right fully entitled.



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For Petitioner : Mr.C.Vigneswaran
For Respondents : Mr.K.Tamilvendan for R1
Government Advocate
Mr.C.Gauthamraj
Standing Counsel for R2

ORDER

This Writ Petition has been filed for a direction directing the respondent to pay the difference in leave salary amount on the basis of the 7th Pay Commission with applicable interest.

2. Heard the learned counsel appearing on either side and perused the materials available on record.

3. The petitioner had joined the services of the second respondent and retired from service on attainment of age of superannuation on 31.07.2016. He was settled with terminal benefits. However the petitioner's scale of pay was not revised in accordance with the 7th Pay Commission, which came into force with effect from 01.01.2016. Therefore, the petitioner is entitled for difference in earned leave salary. Hence, the petitioner submitted representation.

4. On the basis of the 7th Pay Commission, the first respondent issued G.O.Ms.NO.142, Transport (E) Department, dated 26.08.2019 for implementation of the revision of pension to the retired employees of the State



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Transport Undertakings on the basis of Official Committee Recommendations.

Accordingly, the Committee had recommended to implement the 13th Wage Settlement in respect of those who have retired from 01.09.2016 to 31.12.2017 and to implement the 7th Pay Commission to the Transport employees. Therefore, the petitioner submitted a representation and it is pending with the respondent. Hence, this writ petition.

5. Considering the facts and circumstances of the case, the respondents are directed to consider the representation submitted by the petitioner seeking difference in earned leave salary on the basis of the 7th Pay Commission with applicable interest to the petitioner within a period of twelve weeks from the date of receipt of a copy of this order.

6. With the above direction, this Writ Petition stands disposed of.

No costs.

28.03.2024

(1/2)

Internet: Yes

Index : Yes/No

Speaking/Non Speaking order

Neutral Citation : Yes/No

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G.K.ILANTHIRAIYAN. J.

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To

1. The Additional Chief Secretary
and Chairman,
State Transport Undertakings,
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Chennai-600 009.
2. Tamil Nadu State Transport Corporation
(Coimbatore)
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