



W.P.No.20897 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.07.2024

CORAM

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

W.P.No.20897 of 2024

K.Baskaran

... Petitioner

-Vs-

1.The Additional Chief Secretary,
Transport Department,
Fort St.George,
Chennai-600 009.

2.The Managing Director,
Tamil Nadu State Transport Corporation (Salem) Limited,
No.12, Ramakrishna Road,
Salem-636 007.

3.The General Manager,
Tamil Nadu State Transport Corporation (Salem) Limited,
Dharmapuri Region,
Dharmapuri.

... Respondents

Prayer:- Writ Petition filed under Article 226 of Constitution of India for the issuance of Writ of Mandamus, directing the respondents to pay the difference amount of Earned Leave salary and Gratuity along with interest of belated period and considering the petitioner representation dated 27.12.2023.



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For Petitioner : Mr.N.Desinghu
For R1 : Mr.E.Vijay Anand,
Additional Government Pleader
For R2 & R3 : Mr.K.Raja,
Standing Counsel

ORDER

This Writ Petition has been filed for a direction, directing the respondents to pay the difference in leave salary and gratuity 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 the attainment of age of superannuation on 31.05.2017. He was settled with terminal benefits and 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 and gratuity. 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



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26.08.2019 for implementation of the revision of pension to the retired employees of the State Transport Undertakings on the basis of Official Committee Recommendations. Accordingly, the Committee had recommended to implement the Wage Settlement in respect of those who have retired from 01.01.2016 to 31.03.2018 and to implement the 7th Pay Commission to the Transport employees. Therefore, the petitioner submitted a representation and it is pending with the respondent.

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 and gratuity 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.

25.07.2024
(9/9)

Internet : Yes
Index : Yes/No
Speaking order/Non-speaking order
Lpp



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G.K.ILANTHIRAIYAN, J.

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To

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