



W.A.(MD).No.2584 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 18.12.2024

CORAM

**THE HONOURABLE MR.JUSTICE M.S.RAMESH
AND
THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE**

W.A.(MD).No.2584 of 2024
and
C.M.P.(MD).No.18155 of 2024

1.The Managing Director,
Tamil Nadu State Transport Corporation (KMB) Ltd,
No.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.

... Appellants/Respondents

Vs.

S.Shanmuga Sundaram

... Respondent/Writ Petitioner

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent, praying to set aside the order passed in W.P.(MD).No.28887 of 2023 dated 07.12.2023.

For Appellants : Mr.S.C.Herold Singh

For Respondent : Mr.K.Gokul



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JUDGMENT

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(Judgment of the Court was made by M.S.RAMESH,J.)

The present Writ Appeal has been filed challenging the order of the learned Single Judge in W.P.(MD).No.28887 of 2023 dated 07.12.2023.

2. To the claim of the respondent herein for re-fixation of pay by adopting 2.57 multiplier on par with 7th Pay Commission and for revision of the terminal benefits, the Writ Court, through its order passed in W.P.(MD).No.28887 of 2023 dated 07.12.2023, had placed reliance on a similarly decided case in ***W.P.(MD).No.3609 of 2020 dated 20.06.2023 (S.Sampath Vs. the Additional Chief Secretary to Government and two others)*** and allowed the Writ Petition.

3. It is brought to our notice that in yet another similar case, a Coordinate Bench of this Court, in the case of ***the Managing Director, TNSSTC (Madurai) Limited and another Vs. S.Sampath and another*** in ***W.A.(MD).No.1099 of 2024 dated 04.07.2024***, had also rejected the appeal filed by the Transport Corporation in the following manner:



"9.In the instant case, the Writ Petitioner/first respondent, who was originally appointed as Clerk on 16.06.1980, was promoted from the post of Senior Assistant to the post of Superintendent on 04.03.2017. The vehement contention of the learned Counsel for the appellants that since 2016 wage settlement was made applicable with effect from 01.09.2016 and the first respondent was promoted on 04.03.2017 itself, he is covered under G.O(Ms)No.330, dated 31.10.2018 and therefore, the pay can be fixed only by adopting 2.44 multiplier, is liable to be rejected for the simple reason that even though the 2016 wage settlement was made applicable with effect from 01.09.2016, the monetary benefits of the 2016-wage settlement was given effect to only from 01.09.2017. By the date on which, 2016-wage settlement was effected, ie., on 01.09.2017, the first respondent/Writ Petitioner had already been promoted on 04.03.2017 itself. In other words, only after the first respondent/Writ Petitioner got promotion on 04.03.2017, the 2016-wage settlement was given effect monetarily from 01.09.2017. Since on the date of giving effect of the 2016-wage settlement, the Writ Petitioner had got promotion, he was not given the benefits of the 2016- wage settlement.

10.When G.O.(Ms)No.330, dated 31.10.2018, makes it clear that only the employees, who have been migrated cadre to Government scale of pay, even after 01.06.2016, who get the



benefit of 2016 wage settlement, those pay shall be fixed by adopting 2.44 multiplier. Here, admittedly, when the first respondent/Writ Petitioner was not given the benefits of 2016-wage settlement and he had been promoted to the supervisory cadre on 04.03.2017 itself, the first respondent is entitled for re-fixation of his pay by adopting 2.57 multiplier/matrix by also taking into account the 7th pay revision.

11.By taking note of all the above factual matrix, the learned Judge had arrived at a right conclusion that the first respondent, who had not been provided with the benefits of 2016-wage settlement, will be entitled for pay fixation by adopting 2.57 multiplier, which is perfectly legal and does not warrant any interference by this Court. In such circumstances, the order of the Writ Court is liable to be sustained and accordingly, sustained. The appellant Corporation shall comply with the direction issued by the learned Judge within a period of four weeks from the date of receipt of a copy of this order."

4. The aforesaid order came to be challenged by the Transport Corporation before the Hon'ble Supreme Court in SLP(C)No.26264 of 2024 and the same was dismissed vide order dated 11.11.2024. In view of the same, we do not find any reason to interfere with the order passed in the Writ Petition.



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5. Accordingly, the Writ Appeal stands dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petition stands closed.

(M.S.R.,J.) (A.D.M.C.,J.)
18.12.2024

NCC : Yes / No
Index : Yes / No
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