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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.09.2024

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.22395 of 2024

A.Selvi Jesinthal ... Petitioner

Vs.

1.The Managing Director,
Tamil Nadu State Transport Corporation (KMB) Limited,
27, New Railway Station Road,
Kumbakonam – 612 001.

2.The General Manager,
Tamil Nadu State Transport Corporation(KMB) Limited,
Kumbakonam Region,
27, New Railway Station Road,
Kumbakonam – 612 001. ...Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a writ of Mandamus, directing the respondents to re-fix the pay of the petitioner by adopting 2.57 multiplier/matrix on par with 7th pay revision from the date of promotion with subsequent increments and to revise the terminal benefits and pension further to disburse the difference amount and pension arrears along with 6% interest within the stipulated time framed by this Court.

For Petitioner : Mr.K.Gokul

For Respondents : Mr.K.Ramaiah
Standing Counsel

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ORDER

The instant writ petition has been filed by a Superintendent working in the respondent transport corporation, seeking a mandamus directing the transport corporation to refix the pay of the petitioner by adopting 2.57 multiplier/matrix on par with 7th pay revision from the date of promotion with subsequent increments and to revise the terminal benefits.

2.According to the learned Counsel appearing for the writ petitioner, the petitioner was promoted as a Superintendent from the post of Junior Assistant on 19.01.2016. The 13th wage settlement was reached between the Management and the trade union on 01.09.2016. The monetary benefits were disbursed w.e.f. 01.09.2017. Therefore, according the learned Counsel appearing for the writ petitioner, he has not received any benefits under the 2016 wage settlement. They are entitled to the benefits of adopting 2.57 multiplier/matrix on par with 7th pay commission.

3.Per contra, the learned Standing Counsel appearing the transport corporation relied upon G.O.(Ms)No.220, Transport(C-1) Department, dated 23.07.2018 had contended that the petitioner is eligible to receive only 2.44 multiplier factor which has been confirmed in G.O.(Ms).No.330, Transport(C1) Department, dated 31.10.2018. Both the Government orders have been not been

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quashed by this Court and therefore, the petitioner seeks to rely upon the above said Government orders and confer only 2.44 multiplier/matrix upon the writ petitioner.

4.I have carefully considered the submission made on either side and perused the materials available on records.

5.This Court by an order dated 20.06.2023 in W.P.(MD)No.3609 of 2020 in the case of ***S.Sampath Vs. The Additional Chief Secretary to Government and 2 others*** had held that when an employee is not entitled to the benefits under 12(3) settlement, he will be entitled to receive the benefits by adopting 2.57 multiplier/matrix on par with 7th pay commission. This order of the learned Single Judge was challenged by the Transport Corporation in W.A.(MD)No. 1099 of 2024. The Hon'ble Division Bench by an order dated 04.07.2024 in paragraph No.11 is held as follows:-

> *"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*

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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."

6.In the present case, the petitioner was promoted from the post of Junior Assistant to the post of Superintendent on 19.01.2016. Therefore, the petitioner is not eligible to receive the benefits under 2016 wage settlement, which came into force only on 01.09.2016. In such circumstances, following the judgment of the Hon'ble Division Bench, this Court is of the view that the petitioner would be entitled for pay fixation by adopting 2.57 multiplier.

7.In view of the above said facts, this writ petition stands allowed and the respondents are directed to release the monetary benefits within a period of twelve weeks from the date of receipt of a copy of this order. No costs.

30.09.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
RJR

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R.VIJAYAKUMAR, J.

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