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W.P.No.36093 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 18/2/2025

C O R A M

The Hon'ble **Ms.JUSTICE V.BHAVANI SUBBAROYAN**

Writ Petition No.36093 of 2023

V. Kishore Kumar

...

Petitioner

Vs

1. Government of Puducherry
rep. By the Secretary (Transport)/
Chairman PRTC
Chief Secretariat
Puducherry.
2. Puducherry Road Transport Corporation
rep. By its Managing Director
Puducherry.

...

Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus to direct the second respondent to restore the basic pay of the petitioner to Rs.48,040/- and Grade pay of Rs.8,700/- from 1/1/2007 onwards which was reduced to Rs.36,100/- and Grade pay Rs.7,600/- with effect from May 2016 and consequently to direct the second respondent to pay the difference in pay with all allowances and Grade pay within a time frame.

For petitioner

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Mr.K.M.Ramesh



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Sr. Advocate
for Mr.V.Subramani

Mr.V.Vasanthakumar
Additional Government Pleader
(Pondy)
for R.1

Mr.R.Sreedhar
Additional Government Pleader
(Pondy)
for R.2.

ORDER

This writ petition has been filed to direct the second respondent to restore the basic pay and grade pay of the petitioner to Rs.48,040/- and Rs.8,700/- from 1/1/2007 onwards which was reduced to Rs.36,100/- and Grade pay Rs.7,600/-, respectively, with effect from May 2016 and consequently to direct the second respondent to pay the difference in pay with all allowances and Grade pay within a time frame.

2. Brief facts that led to the filing of this writ petition are as follows:-

The petitioner had joined as General Manager-cum-Company Secretary in Pondicherry Tourism and Transport Development Corporation Ltd., during January 1997. He was inducted as a member of the Board of



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Directors of the said Corporation in the month of August 1997. In April 2005, after bifurcation of Pondicherry Tourism and Transport Development Corporation Ltd., he was retained in the second respondent Corporation for two decades and attained superannuation on 30/4/2022.

3. When the petitioner was holding the post of General Manager-cum-Company Secretary, he has not been given the next scale of pay. Hence, made a representation to the second respondent and the same was considered and he was granted the next scale of pay of Rs.7,600/- and grade pay with effect from 1/1/2007 and subsequently, his first MACP was increased from 1/9/2008 and grade pay of Rs.8,700/- from February 2016 to April 2016. Without issuing any notice, petitioner's grade pay was reduced to Rs.7,600/- from 8,700/-. Hence, he made a detailed representation on 3/6/2016 to the second respondent. Thereafter, filed W.P.No.20574 of 2016 to direct the respondents therein to grant the scale of Grade Pay of Rs.8,700/- and basic pay of Rs.48,040/- from May 2016 and by order dated 30/1/2023, this Court had directed the petitioner to challenge the Proceeding No.232/PRTCADMN/2015/2015-SHIFTII dated 22/1/2016. While the petitioner was in service, no such proceeding was ever issued. Hence, the



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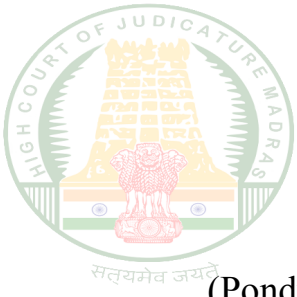
petitioner has approached this Court by way of a writ petition, praying for the relief as stated supra.

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4. Heard Mr.K.M.Ramesh, learned Senior Advocate for the petitioner, Mr.V.Vasanthakumar, learned Additional Government Pleader (Pondy) for the first respondent and Mr.R.Sreedhar, learned Additional Government Pleader (Pondy) for the second respondent.

5. The learned counsel appearing for the petitioner would submit that the petitioner was not put on notice about the reduction of pay scale and the same has not been preceded by any show cause notice.

6. The learned Additional Government Pleader (Pondy) appearing for the second respondent would submit that they will verify whether Proceeding No.232/PRTCADMN/2015/2015-SHIFTII dated 22/1/2016 was issued or not?. If any such order is not issued to the petitioner, they will give a copy of the same to the petitioner, within a period of two weeks, from the date of receipt of a copy of this order.



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7. Submission of the learned Additional Government Pleader (Pondy) is recorded.

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8. Accordingly, second respondent is directed to issue copy of the Proceeding dated 22/1/2016, if not already issued to the petitioner, within a period of two weeks from the date of receipt of a copy of this order. If any such order being issued to the petitioner and if the petitioner is aggrieved, the petitioner can very well approach the second respondent by way of a representation and the same shall be considered by the second respondent, on merits and in accordance with law, within a period of twelve weeks, thereafter.

9. With the above direction, this writ petition is disposed of. No costs.

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mvs.

Index: Yes/No

Neutral Citation: Yes/No

V.BHAVANI SUBBAROYAN,J

mvs.



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To
1. The Secretary (Transport)/Chairman PRTC
Government of Puducherry
Chief Secretariat
Puducherry.

2. The Managing Director
Puducherry Road Transport Corporation
Puducherry.

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