



IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

DATED : 04.03.2025

CORAM

THE HON'BLE Mr. JUSTICE **C.V.KARTHIKEYAN**

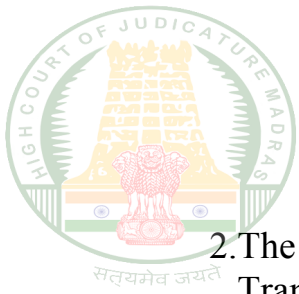
W.P.No.36364 of 2024

- 1.R.Jothilingam
- 2.K.Dharmalingam
- 3.M.Murugesan
- 4.N.Radha
- 5.S.Manoharan
- 6.S.Rajeswari
- 7.S.Meenatshi
- 8.A.Chandrabose
- 9.A.Annal
- 10.K.Kannimery
- 11.A.Ganesh
- 12.P.Bagavathiammal
- 13.P.Irin Shanthi
- 14.M.Bhaskaran
- 15.G.K.Sudharsan
- 16.C.Krishnamoorthy
- 17.R.Ayyakannu
- 18.K.P.Velumani
- 19.P.Achuthan

.. Petitioners

Vs.

- 1.The Government of Tamil Nadu,
Health and Family Welfare Department,
Rep. by its Secretary,
Fort St. George,
Chennai – 600 009.



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2. The Principal Secretary,
Transport Department,
Government of Tamil Nadu,
Fort St. George,
Chennai – 600 009.

3. The Director,
Directorate of Medical Education,
Fort St. George,
Chennai – 600 009.

4. Dean,
Government Erode Medical College and Hospital,
(formerly “IRT Perundurai Medical College),
Perundurai,
Erode District – 638 053.

5. Institute of Road Transport,
Rep. by its Director,
Taramani,
Chennai – 600 113.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to pay the petitioners the balance 75% arrears of salary payable to the petitioners as per the pay revision given in G.O.Ms.No.308 dated 24.10.2018, G.O.Ms.No.119 dated 12.07.2019 and the proceedings of the 5th respondent dated 30.07.2019 in Proceedings No.1293/A7/Acct/2018-19 for the period from 01.10.2017 to 31.03.2019 with 12% interest p.a. and to pay the petitioners interest at the rate of 12% p.a. for the belated payment of 25% of arrears already paid to the petitioners, within a stipulated time.



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For Petitioners .. Ms.G.K.Dharshini
For Mr.V.Ajoy Khose

For R1 to R4 .. Mr.M.Bindran,
Additional Government Pleader.

For R5 .. Mr.C.Gauthamaraj

ORDER

The issue raised in the writ petition is for a Mandamus to pay the balance 75% of arrears of salary payable to the petitioners in accordance with the pay revision in G.O.Ms.No.308 dated 24.10.2018, G.O.Ms.No.119 dated 12.07.2019 and proceedings of the 5th respondent dated 30.07.2019 for the period between 01.10.2017 and 31.03.2019.

2.This particular issue had come up for consideration before a Division Bench in W.A.No.2619 of 2024, The Director, Institute of Road Transport, Chennai, v. W.Benyamin, wherein after examining the arguments advanced, the Division Bench had directed as follows:

“4.Taking into account the financial constraint of the Appellant Society and also the fact the writ petitioners had received all terminal benefits and only the difference in amount



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of arrears as per 7th Pay Commission has not been received by them, we are inclined to pass the following orders:

i) As assured by the learned Additional Advocate General, the EL Encashment shall be settled to the Writ Petitioners within a period of four weeks from today;

ii) Insofar as the arrears of salary are concerned, the Appellant Society is directed to disburse the same in two installments. The 1st instalment shall be paid within a period of three months from today and the 2nd installment shall be paid within three months thereafter. It is needless to mention that the payment of arrears shall carry interest at the rate of 4% per annum;

iii) In case the Writ Petitioners are entitled to any other benefits, the same shall also be settled to them, if they are otherwise eligible;

iv) Last but not the least, in the event of non compliance of the above directions by the appellant, the Writ Petitioners are entitled to interest @ 12% per annum.”

3.The same order accrues to the petitioners also. A direction given to the 5th respondent to disburse the arrears of the salary in two instalments. The first instalment shall be paid within a period of three months from today and the second instalment shall be paid within three months thereafter. The



payment of arrears shall carry interest at 4% per annum. If there is non-compliance of the said direction, the petitioners are entitled for interest at 12% per annum. Accordingly, this Writ Petition stands disposed of. No costs.

04.03.2025

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Index: Yes/No

Internet: Yes/No

To

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Government of Tamil Nadu,
Health and Family Welfare Department,
Fort St. George,
Chennai – 600 009.
2. The Principal Secretary,
Transport Department,
Government of Tamil Nadu,
Fort St. George,
Chennai – 600 009.
3. The Director,
Directorate of Medical Education,
Fort St. George,
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C.V.KARTHIKEYAN,J.

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