



W.P.(MD).No.1266 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 28.01.2025

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THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)No.1266 of 2025

M.Chandrasekaran

... Petitioner

Vs

1. The Managing Director,
Tamil Nadu State Transport Corpn., (KMB) Ltd.,
New Railway Station Road,
Kumbakonam - 612 001.

2. The General Manager,
Tamil Nadu State Transport Corpn., (KMB) Ltd,
Karaikudi Region,
Managiri Post,
Maruthapathi,
Karaikudi,
Sivagangai District.

...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 salary, 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.



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For Petitioner

: Mr.K.Gokul

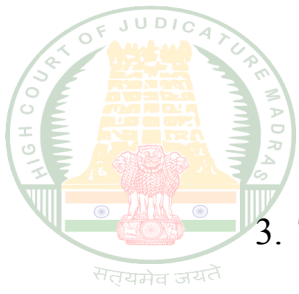
For Respondents

: Mr.K.Ramaiah
Standing Counsel

ORDER

The instant writ petition has been filed by a retired employee of the respondent transport corporation seeking a mandamus to direct 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 salary, terminal benefits and pension further to disburse the difference amount and pension arrears along with 6% interest.

2. According to the learned counsel appearing for the writ petitioner, the petitioner was initially appointed as a Junior Tradesman and later he was promoted as a Junior Engineer on 29.02.2016. Later, he was promoted as an Assistant Engineer and he had attained superannuation on 31.03.2023. According to the learned Counsel appearing for the writ petitioner, the 13th wage settlement was came into force with effect from 01.09.2017. Since the petitioner has already entered in the managerial cadre in the year 2016, the benefits of 13th wage settlement are not applicable to him and therefore, he is entitled to the benefits of adopting 2.57 multiplier/matrix on par with his juniors.



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3. The transport corporation has filed counter affidavit and the learned Additional Advocate General took me through its contents. His contention is that the impugned G.O is the outcome several rounds of discussion involving high ranking officers and also a former Judge of this Court. In matters such as pay fixation, scope for judicial review is limited. He pressed for dismissal of the writ petition.

4. I carefully considered the rival contentions and went through the materials on record. The stand of the respondents is that the employees working in the respondent corporation will fall under one of the two patterns:-

A. Workmen covered by the settlement under Section 12(3) of the Industrial Dispute Act.

B. Employees in supervisory and managerial cadre getting pay as per the Government pattern.

Persons like the petitioner who were workmen subsequently migrated from the workman category to the supervisory category. Issue arose regarding their fixation of pay while implementing the Tamil Nadu Revised Pay Rules, 2017. One Man Committee was constituted. The said committee recommended adopting 2.44 multiplier factor in respect of those who have been promoted to supervisory and managerial cadre. Following the representations made by the



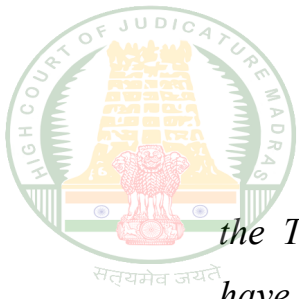
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association that 2.57 multiplier factor should be adopted, an arbitrator (Hon'ble Justice E.Padmanabhan (Rtd.) was appointed as the sole arbitrator. The Hon'ble Arbitrator went into the issue and after several rounds of discussion, passed the award on 26.03.2018. Purporting to implement the said award, the impugned G.O came to be issued. The only question that calls for consideration is whether the impugned G.O can be applied in the case of the petitioner.

5. The issue is whether 2.44 multiplier should be adopted or 2.57 multiplier should be adopted for the petitioner. The operative portion of the G.O is as follows:-

“5. Hence the committee has concluded that the existing benefit allowed in G.O.(Ms)No.220, Transport (C.1) Department, dated 23.07.2018 ie., applying 2.44 multiplier factor to the Technical / Administrative Supervisory category employees who have been promoted and migrated to Government scale of pay pattern between 01.01.2016 and 31.08.2016 as well as after 01.09.2016 (ie., after getting the benefit of wage settlement, 2016) is reasonable and the same may be continued.

6. The Government after careful examination has decided to accept the report of the committee in para 4 and 5 above and direct the Managing Directors of all State Transport Undertakings to continue the existing benefit allowed in G.O.(Ms)No.220, Transport (C.1) Department, dated 23.07.2018, ie., applying 2.44 multiplier factor to



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the Technical / Administrative Supervisory category employees who have been promoted and migrated to Government scale of pay pattern between 01.01.2016 and 31.08.2016 as well as after 01.09.2016 (ie., after getting the benefit of wage settlement, 2016) and to fix the pay of the above category of employees accordingly.”

6. In the present case, the petitioner was promoted as a Junior Engineer on 29.02.2016. Therefore, the petitioner is not eligible to receive the benefits under the 13th wage settlement which came into force on 01.09.2017.

7. As against the order of the Hon'ble Division Bench in W.A.(MD).No. 1099 of 2024, the state had filed a Special Leave Appeal before the Hon'ble Supreme Court of India in Special Leave to Appeal (C).No.26264 of 2024. The Hon'ble Supreme Court of India was pleased dismiss the said appeal by an order dated 11.11.2024.

8. In such circumstances, following the judgement of Hon'ble Division Bench, this Court is of the view that the petitioner would be entitled for pay fixation by adopting 2.57 multiplier/matrix.



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9. With the above said observations, this writ petition stands allowed. No costs.

28.01.2025

NCC : Yes/No
Index : Yes/No
Internet: Yes/No
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R.VIJAYAKUMAR, J.

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