



W.P.(MD)No.7687 of 2021

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.10.2025

CORAM

THE HON'BLE MR.JUSTICE ABDUL QUDDHOSE

W.P.(MD)No.7687 of 2021

B.Subburaj

: Petitioner

Vs.

1.The Chairman / Secretary to Government,
Transport Department,
Secretariat,
Chennai – 9.

2.The Managing Director,
Tamil Nadu State Transport Corporation (Tirunelveli) Ltd.,
Tirunelveli.

3.The General Manager,
Tamil Nadu State Transport Corporation (Tirunelveli) Ltd.,
Tirunelveli Region,
Tirunelveli.

4.The Administrator,
Tamil Nadu State Transport Corporation Employees
Pension Fund Trust,
Pallavan Salai, Thiruvalluvar Illam,
Chennai – 2.

: Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records connected with the impugned order passed by the second respondent in Ka.No.4724/E12/pa a/tha.a.po.ka./tli/2007-2 dated 26.07.2019, quash the same and consequently direct the respondents to step up the pay of the petitioner like those of other similarly placed persons and on par with juniors S.Kirubakaran, Sasikumar and Arunachalam from 01.01.2006 in extending the 6th pay commission benefits by rectifying the pay anomaly in terms of orders of this Hon'ble High Court in W.P.(MD)No.758/2012 dated 14.11.2014 filed by the petitioner and to revise and settle the monetary and other consequential service benefits along with pensionary benefits in the light of the judgment of the Hon'ble Apex Court reported in (2009) 3 SCC 94 with 18% interest on belated payment from 01.01.2006.

For Petitioner	: Mr.S.Govindan
For Respondent No.1	: Mr.A.Baskaran, Additional Government Pleader
For Respondents 2 & 3	: Mr.Rajamohan Standing Counsel
For Respondent No.4	: Mr.S.C.Herold Singh Standing Counsel



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ORDER

This Writ Petition has been filed challenging the impugned order dated 26.07.2019, passed by the second respondent, rejecting the petitioner's request to step up the pay of the petitioner like those of other similarly placed persons and on par with the petitioner's juniors S.Kirubakaran, Sasikumar and Arunachalam from 01.01.2006 in terms of the orders passed by this Court in W.P.(MD)No.758/2012 dated 14.11.2014.

2.As early as in the year 2012 itself, the petitioner had approached this Court seeking for the very same relief that is sought for in this Writ Petition by filing a Writ Petition in W.P.(MD)No.758 of 2012 . Eventhough, by order dated 14.11.2014, passed in W.P. (MD)No.758/2012, this Court had directed the respondents to rectify the pay anomaly among similarly placed persons and to step up the pay of the petitioner like that of the similarly placed persons and on par with the petitioner's juniors S.Kirubakaran, Sasikumar and Arunachalam from the date on which pay anomaly occurred till date.



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3.It is an admitted fact that the order dated 14.11.2014 passed in W.P.(MD)No.758 of 2012, has not been implemented. In order to implement the order, the petitioner also filed a Contempt Petition before this Court, but since the representation of the petitioner seeking for enforcement of the order dated 14.11.2014 passed in W.P.(MD)No.758 of 2012, was considered by passing a final order by wrongly rejecting the petitioner's request for stepping up of his pay, the contempt petition came to be closed. Since the petitioner's representation seeking for implementation of the order dated 14.11.2014 passed in W.P.(MD)No.758 of 2012, came to be rejected under the impugned order dated 26.07.2019, passed by the second respondent, this Writ Petition has been filed.

4.Eventhough learned Standing Counsel appearing for the respondent had earlier submitted that the respondents have preferred a Writ Appeal against the order dated 14.11.2014 passed in W.P.(MD)No.758 of 2012, it is now confirmed on instructions by the learned Standing Counsel appearing for the respondent Transport Corporation that till date, no Writ Appeal has been filed. Therefore, the findings rendered by this Court in its order dated 14.11.2014 in W.P.(MD)No.758 of 2012, has attained finality.



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Therefore, necessarily, the order dated 14.11.2014 passed in W.P. (MD)No.758 of 2012, in favour of the petitioner has to be implemented in letter and spirit. The petitioner only seeks for implementation of the order dated 14.11.2014 passed in W.P. (MD)No.758 of 2012, in this Writ Petition. Since the order dated 14.11.2014 passed in W.P.(MD)No.758 of 2012, has not been implemented till date and by total non-application of mind to the said fact the second respondent having passed the impugned order dated 26.07.2019, ignoring the order dated 14.11.2014 passed in W.P. (MD)No.758 of 2012, necessarily, the impugned order dated 26.07.2019, passed by the second respondent has to be quashed by this court and this Writ Petition will have to be allowed.

5. Accordingly, the impugned order dated 26.07.2019, passed by the second respondent is hereby quashed and this Writ Petition is allowed, by directing the respondents to step up the pay of the petitioner like those of the other similarly placed persons and on par with juniors S.Kirubakaran, Sasikumar and Arunachalam from 01.01.2006 in extending the 6th pay commission benefits by rectifying the pay anomaly in terms of the orders of this Court dated 14.11.2014 passed in W.P.(MD)No.758 of 2012 and to revise and settle the eligible monetary and other consequential service benefits



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along with eligible pensionary benefits to the petitioner within a period of twelve [12] weeks from the date of receipt of a copy of this order.

6.Accordingly, this Writ Petition stands allowed. There shall be no order as to costs.

30.10.2025

Index :Yes / No
Internet : Yes / No
NCC : Yes/No
MR



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ABDUL QUDDHOSE., J.

MR

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