



W.P.(MD)No.13493 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.09.2025

CORAM

THE HONOURABLE MR JUSTICE ABDUL QUDDHOSE

W.P.(MD)No.13493 of 2022

and

W.M.P.(MD).Nos.9586 and 9590 of 2022

A.Gopal

... Petitioner

Vs.

1.The Management of Tamil Nadu

State Transport Corporation (Madurai) Ltd.,

Represented by Its

Managing Director,

Bye-Pass Road,

Madurai - 625 010.

2.The General Manager,

Tamil Nadu State Transport Corporation

(Madurai) Ltd.,

Bye-Pass Road,

Madurai - 625 010.

3.The Assistant Manager (Establishment),

Tamil Nadu State Transport Corporation

(Madurai) Ltd.,

Bye-Pass Road,

Madurai - 625 010.

... Respondents



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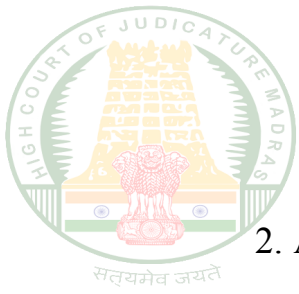
PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order of the third respondent dated 24.01.2020 as per the entry made in the petitioner's Service record book at Page No. 39, quash the same in so far as reducing his basic pay from Rs.23,400 to Rs.19,100 with effect from 01.01.2020 and consequently to revise and refix his pay by granting the annual increments for the years 2012, 2013, 2014, 2015 and to revise his basic pay based on such increased basic pay with effect from 01.09.2016 and as per wage revision settlements dated 13.04.2015 and 04.01.2018 and also to grant the petitioner annual increments from 2016 to update with all consequential benefits with arrears and refund the amount already recovered based on the impugned order together with interest.

For Petitioner : Mr.A.Rahul

For Respondents : Mr.K.Ramaiah,
Standing Counsel

ORDER

This writ petition has been filed challenging the impugned proceedings of the third respondent dated 24.01.2020, revising the petitioner's basic pay by calculating the same from the date of the petitioner's reinstatement into service, after the dismissal order passed against him was set aside by the Labour Court, thereby treating the petitioner's case as one of fresh appointment.



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2. According to the petitioner, arbitrarily, the third respondent has passed the impugned order. According to him, instead of revising the basic pay of the petitioner from the date of his dismissal from service, the third respondent has treated the petitioner as a fresh appointee and revised his basic pay accordingly.

3. The following facts are undisputed:

a. The Labour Court has quashed the order of dismissal of service passed against the petitioner.

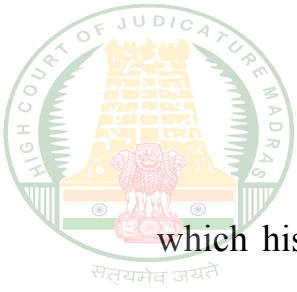
b. Both the Management and the petitioner filed writ petitions before this Court challenging the order of the Labour Court.

c. The petitioner, aggrieved by the non-grant of backwages by the Labour Court, filed his writ petition, while the Management aggrieved by the reinstatement of the petitioner into service, filed its writ petition.

d. Both the writ petitions came to be dismissed by this Court and both the petitioner as well as the Management did not prefer any further appeal. Hence, the order of the Labour Court attained finality.

e. The petitioner was reinstated into service during the pending of the aforesaid writ petition on 05.11.2015.

f. The petitioner's basic pay was periodically revised as per the 12(3) settlement reached with the union until the passing of the impugned order, by



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which his pay was recalculated by treating him as a fresh appointee, reducing

his basic pay from Rs.23,400 to Rs.19,100/-

g. No opportunity of hearing was granted to the petitioner prior to the passing of the impugned proceedings.

3. The learned counsel appearing for the petitioner drew the attention of this Court to a decision rendered by the learned Single Judge of this Court in ***W.P.(MD).No.25865 of 2023*** in the case of ***Mr.A.Rajan Vs, The Mangerment of Tamil Nadu State Transport Corporation (Kumbakonam) Limited, Represented by its Managing Director, Kumbakonam and others.*** Relying upon the aforesaid decision, the learned counsel appearing for the petitioner would submit that in identical circumstances, the learned Single Judge has held that the basic pay has to be fixed from the date of dismissal of the employee from service and not by treating the said employee as a fresh appointee.

4. In the aforesaid decision, as well, the petitioner therein was reinstated into service pursuant to the orders passed by the Labour Court.

5. The learned counsel also submits that, all of a sudden, after a lapse of five years from the date when the petitioner was reinstated into service in the



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year 2015, the impugned proceedings dated 24.01.2020 came to be passed.

WEB COPY Since the petitioner has already retired from service, the respondents, at this stage, cannot revise the basic pay, which is also not in accordance with law.

6. A counter-affidavit has been filed by the respondents reiterating the contents of the impugned proceedings by reiterating that only by following due procedure established under law, the petitioner's basic pay has been revised treating the petitioner's reinstatement as a fresh appointee. However, as seen from the impugned proceedings, the contentions of the petitioner as raised in this writ petition, have not been considered by the third respondent. The learned counsel has also placed on record before this Court a decision rendered by the learned Single Judge of this Court referred to supra, in which, it has been held that upon reinstatement of an employee, who has also earlier dismissed from service, his basic pay has to be fixed as per the salary drawn by him at the time of dismissal from service and cannot be fixed by treating the employee as a fresh appointee. The petitioner has challenged the impugned proceedings primarily on the ground of violation of principles of natural justice as he has categorically contended before this Court that he was not afforded any opportunity to submit his explanation prior to the passing of the impugned proceedings. Since the contentions of the petitioner as raised in this writ



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petition have not been considered by the third respondent in the impugned

WEB proceedings and since no opportunity of hearing was granted to the petitioner,

this Court is of the considered view that the impugned order has been passed by

the third respondent in violation of principles of natural justice. Hence, this

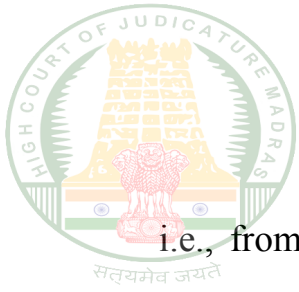
Court is of the view that the impugned proceedings passed by the third

respondent has to be reconsidered after permitting the petitioner to submit his

explanation as to why the basic pay has to be revised only from the date of his

dismissal from service.

7. For the foregoing reasons, this writ petition is disposed of by directing the petitioner to submit his explanation as to why the basic pay has to be revised only from the date of his dismissal from service and cannot be treated as a fresh appointee within a period of two weeks from the date of receipt of a copy of this order and on receipt of the said explanation from the petitioner, the third respondent is directed to reconsider the impugned proceedings after giving due consideration to the contentions raised by the petitioner in his explanation and also giving due consideration to the authorities relied upon by the petitioner and if the third respondent finds that the explanation submitted by the petitioner has to be accepted, the third respondent shall cancel the impugned proceedings and revise the basic pay of the petitioner from the date of dismissal of his service



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i.e., from 24.04.2015 instead of treating the case of the petitioner as a fresh

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appointee. This exercise shall be completed by the third respondent within a period of twelve (12) weeks from the date of receipt of the petitioner's explanation. No costs. Consequently, the connected miscellaneous petitions are closed.

19.09.2025

NCC:yes/no

Index:yes/no

Internet:yes/no

TSG

To

The Secretary to Government,
School Education Department,
Secretariat,
Chennai-600 009.



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ABDUL QUDDHOSE, J.

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