



W.A.(MD) No.2613 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.01.2025

CORAM:

**THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN
and
THE HONOURABLE MR.JUSTICE N.SENTHILKUMAR**

**W.A.(MD) No.2613 of 2024
and
C.M.P.(MD) No.18215 of 2024**

- 1.The Managing Director
Tamil Nadu State Transport
Corporation (KMB) Ltd.,
27, New Railway Station Road
Kumbakonam-612 001
- 2.The General Manager
Tamil Nadu State Transport
Corporation (KMB) Ltd.,
Karaikudi Region
Maruthupathi
Managiri Post
Karaikudi
Sivagangai District

... Appellants

-vs-

S.Shanmugham Pillai

... Respondent



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Writ Appeal filed under Clause 15 of Letters Patent to set aside the order, dated 08.12.2023, passed in W.P.(MD) No.28930 of 2023, on the file of this Court.

For Appellants : Mr.L.Jeen Felix

For Respondent : Mr.K.Gokul

J U D G M E N T

[Judgment of the Court was made by RMT.TEEKAA RAMAN, J.]

Challenging the order dated 08.12.2023, passed in W.P.(MD) No. 28930 of 2023, the Transport Corporation has preferred this writ appeal.

2. Mr.K.Gokul, learned counsel, takes notice for the respondent.

3. The first respondent herein filed the writ petition seeking refixation of pay by claiming that he is entitled for revision of pay fixation by adopting multiplier method as suggested by the Arbitrator Mr.Justice Padmanaban (Retired), who has recommended the multiplier of 2.44 factor.



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4. The learned Single Judge found that the respondent is entitled for the relief sought for by him, as in similar circumstances, this Court, has granted the relief sought for by the similarly placed person. Challenging the same, this writ appeal.

5. Heard the learned counsel on either side and perused the materials available on record.

6. On perusal of the materials available on record, we find that the the learned Single Judge, while allowing the writ petition filed by the respondent, has taken into consideration the fact that as per the Tamil Nadu Revised Pay Rules, 2017, the respondent is eligible and entitled for refixation of pay by adopting different multipliers / matrix as per VII Pay Commissioner.

7. Learned counsel appearing for the appellants would submit that since the respondent is a Senior Assistant, he does not fall within the scope of the recommendations of the Arbitrator.



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8. However, similar point has been considered by this Court, *vide* Judgment dated 04.07.2024, in W.A.(MD) No.1099 of 2024, wherein it has been observed as follows:

“9.In the instant case, the Writ Petitioner/first respondent, who was originally appointed as Clerk on 16.06.1980, was promoted from the post of Senior Assistant to the post of Superintendent on 04.03.2017. The vehement contention of the learned Counsel for the appellants that since 2016 wage settlement was made applicable with effect from 01.09.2016 and the first respondent was promoted on 04.03.2017 itself, he is covered under G.O(Ms)No. 330, dated 31.10.2018 and therefore, the pay can be fixed only by adopting 2.44 multiplier, is liable to be rejected for the simple reason that even though the 2016 wage settlement was made applicable with effect from 01.09.2016, the monetary benefits of the 2016-wage settlement was given effect to only from 01.09.2017. By the date on which, 2016-wage settlement was effected, ie., on 01.09.2017, the first respondent/Writ Petitioner had already been promoted on 04.03.2017 itself. In other words, only after the first respondent/Writ Petitioner got promotion on 04.03.2017, the 2016-wage settlement was given



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effect monetarily from 01.09.2017. Since on the date of giving effect of the 2016-wage settlement, the Writ Petitioner had got promotion, he was not given the benefits of the 2016- wage settlement.

10. When G.O.(Ms)No.330, dated 31.10.2018, makes it clear that only the employees, who have been migrated cadre to Government scale of pay, even after 01.06.2016, who get the benefit of 2016 wage settlement, those pay shall be fixed by adopting 2.44 multiplier. Here, admittedly, when the first respondent/ Writ Petitioner was not given the benefits of 2016-wage settlement and he had been promoted to the supervisory cadre on 04.03.2017 itself, the first respondent is entitled for re-fixation of his pay by adopting 2.57 multiplier/matrix by also taking into account the 7th pay revision.”

9. In the said decision, we find that similar contentions as raised by the appellants herein have been rejected by this Court and the order of the learned Single Judge therein was directed to be implemented.

10. It is brought to the notice of this Court that the special leave petition filed by the appellant – Transport Corporation challenging the above Judgment of this Court has been disposed of.



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11. In view of the settled position, the respondent is entitled to the relief sought for in the writ petition and we find no ground to interfere with the order passed by the learned Single Judge.

12. In the result, this writ appeal is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

[T.K.R., J.] [N.S., J.]

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NCC : Yes / No
Index : Yes / No
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