

W.P.(MD)No.23054 of 2022

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.04.2025

CORAM:

THE HONOURABLE **MR.JUSTICE SHAMIM AHMED**

W.P.(MD)No. 23054 of 2022

S.Akbar Batcha,
S/o.Samsu Mohaideen,
D.No:1619,
Villapuram Housing Board,
Madurai.

Petitioner

Vs

- 1.The Managing Director,
Tamil Nadu State Transport Corporation,
(Madurai) Limited,
Bye Pass Road,
Madurai – 16.
- 2.The General Manager,
Tamil Nadu State Transport Corporation,
(Madurai) Limited,
Bye Pass Road,
Madurai – 16.
- 3.The Administrator,
Tamil Nadu State Transport Corporation,
Employees Pension Fund Trust,
Pallavan Salai,
Thiruvalluvar Illam,
Chennai – 2.

Respondents



W.P.(MD)No.23054 of 2022

WEB COPY

Prayer:- Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari and Mandamus, calling for the records pertaining to the impugned order in No: pa.se.thu/E8/310/2022, dated 25.07.2022 and quash the same and consequently direct the respondents to grant 5th pay revision with grade pay of Rs.4200/pm with effect from 01.05.2013 and to grant all other consequential monetary service and pension benefits.

For Petitioners : Mr.R.Narayanan
For Respondents : Mr.J.Ravindran
Additional Advocate General
Assited by
Mr.K.Raamiah
Standing Counsel
R-1 & R-2
Mr.S.C.Herold Singh
Standing Counsel
R-3

ORDER

1. This Writ Petition has been filed under the Article 226 of the Constitution of India, to issue a Writ of Certiorari and Mandamus, calling for the records pertaining to the impugned order in No: pa.se.thu/E8/310/2022, dated 25.07.2022 and quash the same and consequently direct the respondents to grant 5th pay revision with



W.P.(MD)No.23054 of 2022

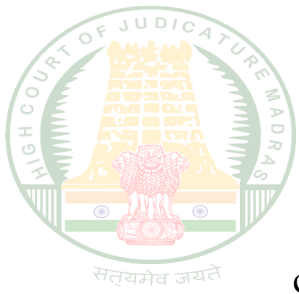
WEB COPY

grade pay of Rs.4200/-pm with effect from 01.05.2013 and to grant all other consequential monetary service and pension benefits.

2. The facts of the case, as set out in the affidavit filed in support of this Writ Petition, in a nut shell, led to filing of this Writ Petition and necessary for disposal of the same, are as follows:-

(a) The Petitioner was appointed as a Senior Attendant under the Respondents on 09.09.1980, with an initial pay scale of 320-5-370-10-420, with effect from 01.01.1983. The pay scale was revised to 420-7½-480-10-540, with effect from 01.09.1983, and further revised to Rs.560-10-640-15-730, with effect from 01.09.1986. The Petitioner's pay was subsequently revised, taking into account his service weightage. After rendering 37 years of service, the Petitioner retired on superannuation on 30.06.2018.

(b) As per the Triparty negotiation and settlement of 2010, employees who have completed 32 years of continuous service are eligible for five pay revisions, structured as 6+7+7+7+5 years, with

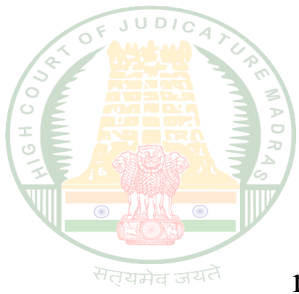


W.P.(MD)No.23054 of 2022

WEB COPY

corresponding fixation of basic pay and other benefits. However, the Respondents failed to correctly fix the Petitioner's pay according to these revisions, resulting in the non-grant of the fifth review benefit, which includes a Grade Pay of Rs. 4200. Despite repeated requests, this benefit was not extended to the Petitioner until his retirement.

(c) Similarly placed individuals who were appointed both before and after the Petitioner have received all five review benefits, as well as promotional benefits. However, whenever the Petitioner raised his grievances, he was informed that he had already been granted all five review benefits and that there were no irregularities in his pay fixation. Under such circumstances, the Petitioner filed Writ Petition in W.P.(MD) No. 18608 of 2018 before this Court and this Court vide order dated 03.02.2021 permitted the Petitioner to raise a demand of his entitlement under 12(3) Settlement dated 22.01.2011 and such demand if and when received, shall be disposed promptly, in any event within a period of four weeks, taking into account all relevant Rules, Regulations and Orders. In response, the Respondents claimed that the Petitioner had been granted the first



WEB COPY



W.P.(MD)No.23054 of 2022

review benefit on his date of appointment, with the remaining four reviews granted subsequently. However, this is factually incorrect, as the first review benefit cannot be granted on the date of appointment. It is also to be noted that One K.Premalatha, who was appointed six years after the Petitioner, has been granted higher pay and promotion with a higher grade pay. However, the Respondents are refusing to acknowledge the error committed in the Petitioner's case. Despite the Court's clear directions to consider the Petitioner's request in accordance with the settlement and relevant rules and regulations, the Respondents passed an impugned order dated 25.07.2022 stating that the fifth review benefit had already been granted to the Petitioner, and therefore, there was no disparity or irregularity.

3. Heard Mr.R.Narayanan, learned counsel for the Petitioner, Mr.J.Ravindran, learned Additional Advocate General, Assisted by Mr.K.Raamiah, learned Standing Counsel for the Respondents 1 & 2 and Mr.S.C.Herold Singh, learned Standing Counsel for the 3rd Respondent.



W.P.(MD)No.23054 of 2022

WEB COPY

4. Mr.R.Narayanan, learned counsel for the Petitioner submits that the Petitioner was eligible for 5th review with effect from 01.05.2013 which includes a Grade Pay of Rs.4200/-. However, the Respondents have repeatedly and incorrectly stated that the 5th review benefit was already granted to the Petitioner. In this regard, the Petitioner submitted his representation dated 11.02.2022 to the Respondents. Having received the said representation, the Respondents passed the impugned order denying the Petitioner's rightful claim to correct pay fixation with a Grade Pay of Rs. 4200/- with effect from 01.05.2013, along with consequential service and monetary benefits. Aggrieved by the action taken by the Respondents, the Petitioner filed the present writ petition, seeking the above relief.

5. When the matter was taken up for hearing on 21.04.2025, Mr.J.Ravindran, learned Additional Advocate General submitted that the Petitioner's case was yet to be considered in due course and requested this Court to grant the Respondents some more time to pass

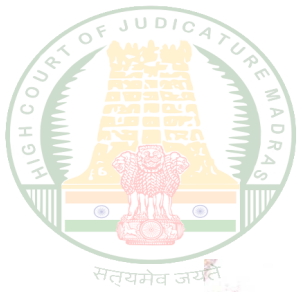


W.P.(MD)No.23054 of 2022

WEB COPY

appropriate orders. Consequently, the matter was listed today under the caption "For Orders".

6. Today, pursuant to the earlier request, Mr. S.C. Herold Singh, learned Standing Counsel for the 3rd Respondent, produced an order dated 24.04.2025, along with photocopies of cheques and submitted that the impugned order dated 25.07.2022, has been recalled, and the review pattern previously granted to the Petitioner has been modified to confer the 5th review pattern with effect from 01.05.2018. The Respondents have also issued two cheques, one for Rs.3,382/- towards salary arrears and another for Rs.20,799/- towards differences in unavailed leave salary, to the Petitioner through post. The counsel further submitted that consequential benefits will be paid in due course. For better appreciation, the order passed by the Respondents on 24.04.2025, is being scanned and reproduced hereunder:



W.P.(MD)No.23054 of 2022

WEB COPY

Tamilnadu State Transport Corporation (Madurai) Ltd., Madurai
Madurai Region :: Establishment Department

Ref:Estt/3776/2025

Dt.24.04.2025

To

Thiru.S.Akbar Batcha, AR03776
No.1619, TNHB Colony
Villapuram
Madurai - 625012

Sub:WP (MD) No.23054/2022 - S.Akbar Batcha Vs TNSTC - Hon'ble Madurai Bench of Madras High Court - Interim Direction issued offer 5th review benefit to the petitioner as per 12 (3) settlement - Reg.

Ref:1.Our Letter Ref No.Estt/E8/310/2022 Dt.25.07.2022

2.WP (MD) No.23054/2022 filed before Hon'ble Madurai Bench of Madras High Court.

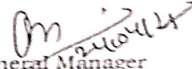
=====

With reference to the writ petition filed by you vide reference 2nd cited and interim direction issued by the Hon'ble Madurai Bench of Madras High Court, we here by-informed you that the letter issued to you vide reference 1st cited has been recalled. Further in this regard it is here by informed that you have been worked in the establishment section in the Madurai Region before you retired and retired from service on 30.06.2018 due to superannuation.

As per the interim direction given by the Hon'ble Madurai Bench of Madras High Court, we have reviewed the review pattern which was already given to you and now it has been modified your review pattern and you are here by conferred 5th review pattern with effect from 01.05.2018. Along with this letter we here by issue two . cheques for an amount of Rs.3382/- towards salary arrears and difference in un availed leave salary Rs.20799/- also we here by inform you that we are processing further consequential benefit will also be paid shortly.

Thanking you,

Yours Faithfully
For TNSTC (Madurai) Ltd.
Madurai Region


General Manager

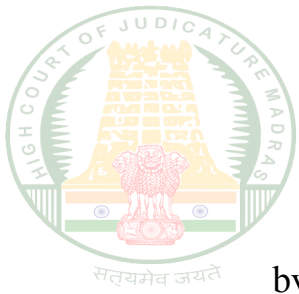


W.P.(MD)No.23054 of 2022

WEB COPY

The learned counsel thus submits that since the relief sought by the Petitioner has been granted, the Writ Petition may be disposed of accordingly.

7. Mr.R.Narayanan, learned counsel for the Petitioner, having received the copy of the order dated 24.04.2025, submits that the Respondents have considered the relief sought by the Petitioner in the present writ petition and have paid the amount, if the same is not correctly calculated, he seeks liberty to challenge the same, if the Petitioner is aggrieved.
8. After considering the submissions made by the learned counsel for both parties and perusing the records, averments made in the Writ Petition, and the order dated 24.04.2025, passed by the Respondents, this Court deems it appropriate to dispose of the Writ Petition, as no useful purpose would be served by keeping it pending, as the relief sought by the Petitioner in the present writ petition have been granted



W.P.(MD)No.23054 of 2022

WEB COPY

by the Respondents and the Petitioner was granted the 5th review pattern with effect from 01.05.2018 and the amount to the tune of Rs.3,382/- and Rs.20,799/- was paid through two cheques.

9. In view of the above, this Writ Petition is **disposed of** with liberty to the Petitioner as prayed for to challenge the order dated 24.04.2025 before the competent court of law, if he is aggrieved. There shall be no order as to costs.

25.04.2025

Index:Yes/No
Web:Yes/No
Speaking/Non Speaking
Nsr

To:

- 1.The Managing Director,
Tamil Nadu State Transport Corporation,
(Madurai) Limited,
Bye Pass Road,
Madurai – 16.



W.P.(MD)No.23054 of 2022

WEB COPY

2.The General Manager,
Tamil Nadu State Transport Corporation,
(Madurai) Limited,
Bye Pass Road, Madurai – 16.

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



WEB COPY



W.P.(MD)No.23054 of 2022

SHAMIM AHMED, J.

Nsr

W.P.(MD)No.23054 of 2022

25.04.2025