



W.P.(MD)No.26134 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.01.2025

CORAM

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P.(MD)No.26134 of 2022

S.Mullayappan

... Petitioner

Vs.

1.The Managing Director,
Tamil Nadu State Transport Corporation (Madurai) Limited,
By-Pass Road,
Madurai - 625 010.

2.The General Manager,
Tamil Nadu State Transport Corporation (Madurai) Limited,
By-Pass Road,
Madurai - 625 010.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records relating to the first respondent's communication, dated 22.09.2022 in Tho.Na.Thu/T1/190/2022, quash the same and to pay the difference in unavailed Earned Leave payable to the petitioner as per G.O.Ms.No.63 Transport (D) Department, dated 05.02.2010.



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For Petitioner : Mr.K.Viralinathan

For Respondents : Mr.S.C.Herold Singh
Standing Counsel

ORDER

The writ petition has been filed challenging the first respondent's communication, dated 22.09.2022 and to pay the difference in unavailed Earned Leave Salary payable to the petitioner as per G.O.Ms.No.63 Transport (D) Department, dated 05.02.2010.

2. The petitioner is the employee of the State Transport Corporation. He retired from service on 31.07.2007. The scale of pay for the employees of the State Transport Corporation was revised in the year 2010 vide G.O.Ms.No.63 Transport (D) Department, dated 05.02.2010. Therefore, this petitioner has made a claim that he was entitled for the unavailed Earned Leave Salary based on the revised scale of pay as per G.O.Ms.No.63 Transport (D) Department, dated 05.02.2010. The same was not considered by the respondents. Therefore, this petitioner has filed a writ petition before this Court in WP(MD)No.12234 of 2022. This Court by order, dated 17.06.2022, directed the respondent Corporation to consider the representation of this petitioner and



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to take a decision within a period of six weeks from the date of receipt of a copy of the order. The respondent Corporation, by order dated 22.09.2022, has rejected the claim of this petitioner and therefore, the same is challenged in this writ petition.

3. A perusal of the order itself would reveal that there is a provision for paying the Unavailed Earned Leave Salary based on the revised scale of pay. When the scale of pay has been revised with retrospective effect as per G.O.Ms.No.63 Transport (D) Department, dated 05.02.2010, the respondents ought to have paid the leave salary as per the revised scale of pay, for which the petitioner is eligible. Therefore, the impugned order is set aside. This writ petition is allowed. The respondent corporation is directed to pay the difference in unavailed Earned Leave salary to the petitioner as per G.O.Ms.No.63 Transport (D) Department, dated 05.02.2010, within a period of 12 weeks from the date of receipt of a copy of this order. No costs.

02.01.2025

NCC:yes/no
Index:yes/no
Internet:yes/no
SN



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To:

WEB COPY

- 1.The Managing Director,
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B.PUGALENDHI, J.

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