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W.P.Nos.16500, 15421, 15424 & 15428 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.01.2026

CORAM

THE HONOURABLE MR.JUSTICE HEMANT CHANDANGOUDAR

W.P.Nos.16500, 15421,15424 & 15428 of 2019

I.Ponnuvel (2897)	...Petitioner in W.P.No.16500/2019
E.A.Somasundaram (J1061)	...Petitioner in W.P.No.15421/2019
V.Sanjivi (3279)	...Petitioner in W.P.No.15424/2019
K.Badrusami (7846)	...Petitioner in W.P.No.15428/2019

Vs.

The Managing Director
Tamil Nadu State Transport
Corporation (CBE) Ltd
37, Mettupalayam Road
Coimbatore-641 043.

...Respondent in all W.P.Nos.

Prayer in W.P.No.16500 of 2019: This Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records of the respondent herein in proceedings ref.No:L3/WP No: 33465/18/AM (Labour)/TNSTC/CBE/19 and quash his order dated 11.03.2019 and direct him to implement the G.O.Ms.No.61 Transport (C) Department dated 30.04.2015 by paying the difference amount payable towards Gratuity as well as difference in pay.



W.P.Nos.16500, 15421, 15424 & 15428 of 2019

WEB

Prayer in W.P.No.15421 of 2019: This Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records of the respondent herein in proceedings ref.No:L3/WP No: 33465/18/AM (Labour)/TNSTC/CBE/19 and quash his order dated 11.03.2019 and direct him to implement the G.O.Ms.No.61 Transport (C) Department dated 30.04.2015 by paying the difference amount payable towards Gratuity as well as difference in pay.

Prayer in W.P.No.15424 of 2019: This Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records of the respondent herein in proceedings ref.No:L3/WP No: 33465/18/AM (Labour)/TNSTC/CBE/19 and quash his order dated 11.03.2019 and direct him to implement the G.O.Ms.No.61 Transport (C) Department dated 30.04.2015 by paying the difference amount payable towards Gratuity as well as difference in pay.

Prayer in W.P.No.15428 of 2019: This Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records of the respondent herein in proceedings ref.No:L3/WP No: 33465/18/AM (Labour)/TNSTC/CBE/19 and quash his order dated 11.03.2019 and direct him to implement the G.O.Ms.No.61 Transport (C) Department dated 30.04.2015 by paying the difference amount payable towards Gratuity as well as difference in pay.



W.P.Nos.16500, 15421, 15424 & 15428 of 2019

For Petitioners
in W.P.Nos. : Mr.S.Vijayanand

For Respondents
in W.P.Nos. : Mr.A.Sundaravadhanan

COMMON ORDER

The issues involved in all these Writ Petitions are similar and, therefore, they are taken up for disposal by way of this common order.

2. All the petitioners, while serving as Senior Checking Inspectors in the respondent Corporation, retired from service on attaining the age of superannuation in the years 2012 and 2013. After their retirement, the Transport Department passed G.O.Ms. No. 61 dated 30.04.2015. By the said Government Order, the Government decided to accept the recommendation of the Committee and, in supersession of the orders issued earlier, revised the scale of pay for Checking Inspectors with effect from 01.09.2010.

3. The grievance of the petitioners is that though the Government Order was issued only on 30.04.2015, the scale of pay of Checking Inspectors was revised with retrospective effect from 01.09.2010. Therefore, according to the petitioners, they are entitled to the benefits flowing from the said G.O. The petitioners submitted representations seeking extension of the said benefits.



W.P.Nos.16500, 15421, 15424 & 15428 of 2019

4. The respondent, by the impugned order dated 11.03.2019, rejected the representations stating that the benefit under the said Government Order could be extended only to those employees who were in service as on the date of issuance of the G.O., i.e., 30.04.2015. Aggrieved by the same, the present Writ Petitions have been filed.

5. Heard the learned counsel for the petitioners and the learned counsel appearing for the respondent.

6. It is not in dispute that the petitioners were working as Checking Inspectors as on 01.09.2010. In the light of the settlement arrived at between the Trade Union and the respondent under Section 12(3) of the Industrial Disputes Act, the Transport Department issued G.O.Ms. No. 61 dated 30.04.2015, whereby the pay scale of Checking Inspectors was revised with effect from 01.09.2010. Pursuant to the said revision, the pay scale attached to the post of Checking Inspectors stood enhanced.

7. Though the petitioners retired from service in the years 2012 and 2013, prior to the issuance of the Government Order, they are nevertheless entitled to the benefits conferred under G.O.Ms. No. 61 dated 30.04.2015, inasmuch as the revision of pay scale was given retrospective effect from 01.09.2010, on which



W.P.Nos.16500, 15421, 15424 & 15428 of 2019

date the petitioners were admittedly in service. Therefore, denial of the said benefit to the petitioners is arbitrary and discriminatory and cannot be sustained in law.

8. The said Government Order dated 30.04.2015 also directed the Managing Directors of the State Transport Undertakings to revise the scale of pay of Checking Inspectors with effect from 01.09.2010, as ordered therein, without delay.

9. Accordingly, these Writ Petitions are allowed. The impugned order dated 11.03.2019 bearing Ref.No.L3/WP.No.33465/18/AM (Labour)/TNSTC/CBE/19 passed by the respondent is hereby set aside. The respondent is directed to revise the scale of pay of the petitioners with effect from 01.09.2010, in terms of G.O.Ms. No. 61 dated 30.04.2015, and to extend all consequential monetary benefits arising from such revision. The said exercise shall be completed within a period of three months from the date of receipt of a copy of this order. There shall be no order as to costs.

29.01.2026

Index : Yes/No
Speaking order : Yes/No
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W.P.Nos.16500, 15421, 15424 & 15428 of 2019
HEMANT CHANDANGOUDAR.J.,

dna

To

The Managing Director
Tamil Nadu State Transport
Corporation (CBE) Ltd
37, Mettupalayam Road
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