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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04-11-2026

CORAM

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

WP No. 35627 of 2024

CNR:{HCMA012175412024}

and

WMP No. 18219 of 2026

S.Palani

..Petitioner(s)

Vs

1. State Express Transport Corporation
   Tamil Nadu Ltd.,
   Rep. by its Managing Director,
   Pallavan Salai, Chennai 600002.

2. The Deputy Manager (PB)
   State Express Transport Corporation Tamil Nadu Ltd.,
   Pallavan Salai, Chennai 600002.

..Respondent(s)

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to fix and pay the correct basic pay and other allowances w.e.f 28.10.2023 to the petitioner and pay all the retirement benefits, including pension along with the interest at the rate of 9 percentage p.a. for the belated disbursement of monetary benefits w.e.f.01.08.2024.

For Petitioner(s): Mr.K.Premkumar

For Respondent(s): Mr.C.Gauthamaraj,
Standing Counsel

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ORDER

The present Writ Petition has been filed seeking a direction to the respondents to consider the petitioner's representation dated 17.08.2024.

2. The learned counsel appearing for the petitioner would contend that the respondent authority ought to have fixed the correct basic pay and other allowances payable to the petitioner on par with those of his co-employees with effect from 28.10.2023. It is the further contention of the learned counsel appearing for the petitioner that the petitioner was terminated from service on 17.08.2010. Parallelly, the respondent Corporation filed an Approval Petition in A.P.No.142 of 2010 under Section 33(2)(b) of the Industrial Disputes Act. The approving authority rejected the said Approval Petition on 12.01.2015. Thereafter, when the Corporation challenged the order passed in A.P.No.142 of 2010 before this Court, this Court, vide order dated 10.07.2023 in W.P.Nos.14396 and 14397 of 2016, directed the reinstatement of the petitioner without back wages. However, while refixing the pay pursuant to the order passed by this Court dated 10.07.2023, the co-employees were fixed with higher pay, whereas the petitioner's pay was not fixed on par with that of his co-employees. Hence, the learned counsel prayed for consideration of the petitioner's representation.

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3. Per contra, the said contention was stoutly opposed by the learned Standing Counsel and would contend that the petitioner's pay was fixed in accordance with the directions issued by this Court in W.P.Nos.14396 and 14397 of 2016, dated 10.07.2023. It is further contended that the petitioner's pay cannot be fixed on par with that of his co-employees, viz., Murali and Thirupathi, as the petitioner had suffered numerous punishments, including one dated 31.07.2006 for unauthorised absence, pursuant to which his pay was reduced to a lower level. In view of the punishments imposed upon the petitioner, the parity sought by him cannot be granted. Hence, the learned Standing Counsel prayed for dismissal of the present Writ Petition.

4. I have given my anxious consideration to the submissions made by the learned counsel appearing on either side.

5. On a perusal of the factual position, it is evident that the petitioner has not raised any objection with regard to his reinstatement. His only grievance is that his pay was not refixed on par with that of his co-employees, namely, Murali and Thirupathi. In this regard, the learned Standing Counsel has filed a detailed counter-affidavit, wherein paragraph 8 reads as follows:-

> *8. I humbly submit that, in response to the petitioner's representation dated 12.03.2024, a reply dated 08.04.2024 was issued, informing him that the basic pay fixed and paid to him prior*

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to his dismissal from service was in accordance with the directions issued by this Hon'ble Court in W.P.No.14396 of 2016. It is further submitted that the petitioner had been subjected to various punishments during his service for several instances of misconduct, including unauthorised absence, loss of revenue, excess cash, negligent driving and other service-related irregularities. The details of the punishments imposed upon the petitioner are set out hereunder:

Sl. No.	Offence Date Order Date	Order Number	Offence Details Punishment Details
1.	27.05.2000		PREVIOUS CLOSING/NON CLOSING OF THE STAGE IN THE TR.
	08.02.2001	0078/047688/ DL6/2000	SUSPENSION PERIOD AS SPECIFIC PUNISHMENT
2.	17.11.2000		PREVIOUS CLOSING/NON CLOSING OF THE STAGE IN THE TR.
	05.07.2001	1949/104622/ DL7/2000	INCR. P.P W.O.C.E. FOR MONTHS 12.00 MONTHS AND SUS PERIOD AS LEAVE
3.	16.10.2001		CAUSED LOSS OF REVENUE TO THE CORPORATION
	07.12.2001	2463/075714/ DL7/2001	FINED Rs.50.00 AND SUS PERIOD AS LEAVE
4.	28.08.2001		KEPT EXCESS CASH AS AGAINST THE TICKET SALES.
	31.12.2001	2192/069935/ DL7/2001	FINED Rs.100 .00
5.	15.10.2002		PREVIOUS CLOSING/NON CLOSING OF THE STAGE IN THE TR.
	16.06.2003	9576/177340/ DL7/2002	INCR. P.P W.O.C.E. FOR MONTHS 12.00 MONTHS SUS AS LEAVE
6.	01.01.2004		ABSENCE WITHOTU LEAVE MORE THAN 8 CONS. DAYS
	27.03.2005	01610/052871 /DL9/2004	INCR. P.P W.C.E FOR MONTHS 12.00 MONTHS
7.	15.05.2006		ABSENCE WITHOUT LEAVE MORE THAN & CONS, DAYS
	23.12.2006	07996/040495 /DL7/2006	INCR. P.P W.O.C.E. FOR MONTHS 6.00 MONTHS

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8.	13.12.2006		CAUSED DAMAGE TO THE TYRE DUE TO NEGLIGENT DRIVING.
	08.01.2008	12803/24000/ 0L2/2007	RECOVERY OF LOSSES COD Rs.133.00 (133X1)
9.	31.07.2006		ABSENCE WITHOUT LEAVE MORE THAN 8 CONS, DAYS
	12.03.2010	14568/076081 /DL5/2007	PAY REDUCTION TO LOWEST LEVEL ABSENT PERIOD TREATED AS LLP
10.	25.02.2008		ABSENCE WITHOUT LEAVE MORE THAN & CONS, DAYS
	17.08.2010	15084/050097 /DL5/2008	DISMISSED FROM SERVICE.

6. From the above narration, it is evident that the petitioner had suffered various punishments, one of which was the reduction of his pay to a lower level on 12.03.2010. Therefore, having suffered the punishment of reduction of pay, the petitioner cannot expect to draw the same pay as that of his co-employees, Murali and Thirupathi.

7. As rightly contended by the learned Standing Counsel, the petitioner's pay was fixed in accordance with the entries in his Service Register and the punishments suffered by him. Therefore, the prayer made by the petitioner seeking consideration of his representation for refixation of pay on par with that of his co-employees cannot be granted.

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8. Accordingly, this Writ Petition is dismissed. Consequently, the connected Miscellaneous Petition is closed. No costs.

04-11-2026

Index: Yes
Speaking order
Neutral Citation: Yes

KV

To

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Tamil Nadu Ltd.,
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2. The Deputy Manager (PB)
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2026:MHC:4491

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C.KUMARAPPAN J.

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WP No. 35627 of 2024

04-11-2026

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