



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 15.11.2016

C O R A M

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THE HONOURABLE DR.JUSTICE **S.VIMALA**

Writ Petition (MD) No.21759 of 2016

M.Dhanarajapandian

.. Petitioner

Vs.

1.Tamil Nadu State Transport
Corporation (Madurai) Limited,
Rep. by it's Managing Director,
Bye Pass Road, Madurai - 625 016.

2.Financial Advisor & Chief Accounts Officer,
Tamil Nadu State Transport
Corporation (Madurai) Limited,
Bye Pass Road, Madurai - 625 016.

3.The Administrator,
Tamil Nadu State Transport corporation
Employees Pension Fund Trust,
Thiruvalluvar Illam, Pallavan Salai,
Chennai - 600 002.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order passed by the 1st Respondent in Ref.No.Koo.Sa/W.P.No.14633/2016 dated 19.09.2016 quash the same as illegal and consequently direct the respondents to fix time limit to grant 5th review benefits and to revise his pay in the post of Senior Checking Inspector with retrospective effect from 01.09.2010 in terms of Government order in G.O.Ms.No.61 Transport (C) Department dated 30.04.2015 and as per the 12(3) Settlement dated 22.01.2011 and further directing the respondents to pay the difference in petitioner's retirement benefits including difference in monthly pension, gratuity, commuted value of pension, leave salary and all other attendant benefits payable to him from 01.09.2010 to 30.06.2011 together with interest at the rate of 18% per annum.

For Petitioner... Mr.A.Rahul

<https://hcservices.ecourt.gov.in/Reserve> ... Mr.A.Jayaram

For R3

... Mr.A.P.Muthupandian

**ORDER**

This is a writ of Certiorari of Mandamus challenging the order of the first respondent dated 19.09.2016, vide which, the respondents have admitted that the petitioner is eligible to get the benefits under G.O.Ms.No.61, dated 30.04.2015 and consequently direct the respondents to fix time limit to grant 5th review benefits and to revise his pay in the post of Senior Checking Inspector with retrospective effect from 01.09.2010 in terms of Government order in G.O.Ms.No.61, Transport (C) Department, dated 30.04.2015 and as per the 12(3) Settlement dated 22.01.2011 and further directing the respondents to pay the difference in petitioner's retirement benefits including difference in monthly pension, gratuity, commuted value of pension, leave salary and all other attendant benefits payable to him from 01.09.2010 to 30.06.2011 together with interest at the rate of 18% per annum.

2. Heard the learned counsel for the petitioner and the learned counsel for the respondents.

3. The petitioner was working as Senior Checking Inspector in the respondent Corporation from 28.10.2009 and he retired from service on 30.06.2011. Thereafter, seeking benefits in terms of G.O.Ms.No.61, dated 30.04.2015, the petitioner filed W.P.(MD) No.14633 of 2016 and the Court, by the order, dated 11.08.2016, directed the respondents to consider the representation on merits and in accordance with law.

3.1. Based on the directions stated supra, the first respondent has passed the impugned order, dated 19.09.2016, granting benefit to the petitioner from 01.05.2011.

4. Contending that the benefit should have been given to the petitioner with effect from 28.10.2009 and not from 01.05.2011, this writ petition has been filed, seeking to quash the order dated 19.09.2016.

5. In order to appreciate the contentions raised in the writ petition, it is necessary to consider the essential terms of G.O.Ms.No.61, dated 30.04.2015, which reads thus:-

"7. After careful examination, the Government have decided to accept the recommendations of the Committee and in super-session of the orders issued in the G.O. first read above, revise the scale of pay for checking Inspectors and Driving Instructions with effect from 01.09.2010 are as follows:-



S. No.	Designation	Service / Review	Scale of pay + Grade Pay (Rs.)
1.	Junior Checking Inspector / Junior Driving Instructor	6 years / 1 st Review	5200-20200+2000
2.	Checking Inspector / Driving Instructor	13 years / 2 nd Review	5200-20200+2200
3.	Senior Checking Inspector / Senior Driving Instructor	21 years / 3 rd Review	5200-20200+2400
4.	Selection Grade Checking Inspector - I / Selection Grade Driving Instructor - I	29 years / 4 th Review	5200-20200+2600
5.	Selection Grade Checking Inspector II / Selection Grade Driving Instructor - II	32 years / 5 th Review	9300-34800+4300.

8. The Managing Directors of all State Transport Undertakings are directed to revise the scale of pay of Checking Inspectors and Driving Instructors with effect from 01.09.2010 as ordered in para 7 above immediately.

9. The Administrator, Tamil Nadu State Transport Corporation Employees Pension Fund Trust is directed to revise the pension to the pensioners, those who were retired on or after 01.09.2010 as ordered in para 7 above immediately."

6. This petitioner is a person, who retired on 30.06.2011, i.e., after 01.09.2010. Therefore, the petitioner is entitled to pay revision, in the post of Checking Inspector and also is entitled to pension, as per the revised pay. In terms of G.O.Ms.No.61, dated 30.04.2015, he is entitled to pay revision in the post of Checking Inspector with effect from 01.09.2010. Therefore, the order, 19.09.2016, granting benefit only from 01.05.2011, that too, without giving any reason, is liable to be quashed and quashed accordingly.

7. In view of the above, the pay of the petitioner is directed to be revised with effect from 01.09.2010. The respondents are also directed to pay the difference in the retirement benefits, including difference in monthly pension, gratuity, commuted value of the pension, leave salary and all other attendant benefits, from 01.09.2010 to 30.06.2011, along



with interest at the rate of 6% per annum, within a period of three months from the date of receipt of a copy of this order.

8. The writ petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar(AS)

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/True Copy/

Sub Assistant Registrar

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TO

1. Tamil Nadu State Transport Corporation (Madurai) Limited,
Rep. by it's Managing Director,
Bye Pass Road, Madurai - 625 016.
2. Financial Advisor & Chief Accounts Officer,
Tamil Nadu State Transport Corporation (Madurai) Limited,
Bye Pass Road, Madurai - 625 016.
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Tamil Nadu State Transport corporation
Employees Pension Fund Trust,
Thiruvalluvar Illam, Pallavan Salai,
Chennai - 600 002.

+1cc to Mr.A.K.THANGAVELU, Advocate Sr.No. 68971

JAM/20.02.17 /SV-MMS/ 4P-5C

W.P. (MD) No.21759 of 2016
15.11.2016