



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.11.2016

CORAM :

WEB COPY

THE HONOURABLE DR.JUSTICE S.VIMALA

W.P (MD) No.22345 of 2016

D.Sivaji

... Petitioner

vs.

1.The Managing Director,
Tamil Nadu State Transport Corporation
(Kumbakonam) Ltd.,
No.27, Railway Station Road,
Kumbakonam,
Thanjavur District.

2.The General Manager,
Tamil Nadu State Transport Corporation
(Kumbakonam) Ltd.,
Trichy Region,
Periyamilaguparai,
Trichy.

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

... Respondents

Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus directing the Respondents to grant the petitioner 4th and 5th review benefits and revise his pay in the post of Driving Inspector with retrospective effect from 01.09.2010 in terms of Government order in G.O.Ms.No. 61 Transport (C1) Department dated 30.04.2015 and as per 12(3) Settlement dated 13.04.2015 and further directing the respondents to pay the petitioner difference amount in his salary from 01.09.2010 to 28.2.2014 and to pay difference in his retirement benefits including difference in monthly pension, gratuity, leave salary, commuted value of pension and all other attendant benefits payable to him from 28.02.2014 to till date together with interest at the rate of 18% per annum.



For Petitioner : Mr.N.Sudhagar Nagaraj

For R1 & R2 : Mr.D.Sivaraman

For R3 : Mr.A.P.Muthupandian

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ORDER

Initially, the petitioner was employed as a Driver in the respondents Transport Corporation and later on, promoted as Driving Instructor. He retired from service on 28.02.2014.

2.The grievance of the petitioner is that he is entitled to revision of scale of pay in the post of Driving Instructor as per G.O.Ms.No.61, Transport (C) Department, dated 30.04.2015 and also as per the 12(3) Settlement 13.04.2015. Since his pay has not been revised, he made a representation dated 27.09.2016 therefor and that the same has not been considered. Therefore, the petitioner has sought for this Writ of Mandamus, directing the respondents to grant the petitioner 4th and 5th review benefits and revise his pay in the post of Driving Inspector with retrospective effect from 01.09.2010 in terms of Government order in G.O.Ms.No. 61 Transport (C1) Department dated 30.04.2015 and as per 12(3) Settlement dated 13.04.2015 and further directing the respondents to pay him the difference amount in his salary from 01.09.2010 to 28.2.2014 and to pay difference in his retirement benefits including difference in monthly pension, gratuity, leave salary, commuted value of pension and all other attendant benefits payable to him from 28.02.2014 to till date together with interest at the rate of 18% per annum.

3.Learned counsels for the respondents submitted that it is agreeable for the respondents to consider the representation of the petitioner dated 27.09.2016 and to pass orders.

4.Recording the above submission, this Writ Petition is disposed of directing the respondents to consider the representation of the petitioner dated 27.09.2016, in the light of G.O.Ms.No.61, Transport (C) Department, dated 30.04.2015 and also as per the 12(3) Settlement dated 13.04.2015 and to pass appropriate orders on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order. No costs.

Sd/-

Assistant Registrar (CS-II)

/True Copy/



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To,

1.The Managing Director,
Tamil Nadu State Transport Corporation
(Kumbakonam) Ltd.,
No.27, Railway Station Road,
Kumbakonam,
Thanjavur District.

2.The General Manager,
Tamil Nadu State Transport Corporation
(Kumbakonam) Ltd., Trichy Region,
Periyamilaguparai,
Trichy.

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

+1CC to Mr.N.Sudhagar Nagaraj, Advocate Sr.No.72182

+1CC to Mr.D.Sivaraman, Advocate Sr.No.72152

SM/SKS/RR/23.12.16-3p-6C

W.P (MD) No.22345 of 2016
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