



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.11.2016

CORAM

THE HON'BLE Dr.JUSTICE S.VIMALA

W.P(MD) No.22522 of 2016

A.Raju

... Petitioner

-vs-

1.The Additional Chief Secretary to Government,
Transport (C) Department, Chennai - 9.

2.The Managing Director,
Tamil Nadu State Transport Corporation
(Madurai) Ltd., Madurai Region,
By-pass Road, Madurai - 625 010. .. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the Respondents to consider the Petitioner's representation dated 08.08.2016 and to refix the salary with effect from 01.01.2008 notionally and the monetary benefit may be allowed w.e.f.01.04.2015 and consequently to issue the pensionary benefits based on the G.O.Ms.No.146 Transport (C) Department dated 30.11.2015.

For petitioner	.. Mr.M.Karthikeya Venkitachalapathy
For R - 1	.. Mr.T.S.Mohammed Mohideen Additional Government Pleader
For R - 2	.. Mr.A.P.Muthupandian

ORDER

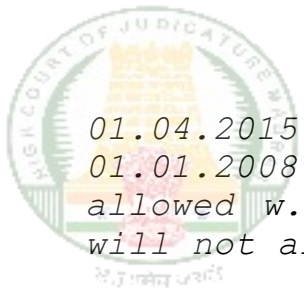
This writ petition has been filed seeking a direction to the respondents to consider the representation of the petitioner dated 08.08.2016, claiming benefits in terms of G.O.Ms.No.146 Transport (C) Department dated 30.11.2015.

2.Initially the petitioner was appointed as a Clerk Trainee in the respondent Corporation. Subsequently, the post was re-designated as Junior Assistant. Later on, he was promoted as Selection Grade Assistant. He retired from service on 31.07.2009. The petitioner claims benefit of G.O.Ms.No.146.

3.The learned counsel for the petitioner has relied upon Clause 6(ii) of the said G.O.Ms.No.146 Transport (C) Department dated 30.11.2015, which reads as follows:

<https://hcservices.ecourts.gov.in/hcservices/>

6(ii) Such benefit may be given with effect from 01.01.2008 notionally and the monetary benefit may be allowed w.e.f.



01.04.2015. Pension in respect of all those who have retired after 01.01.2008 may suitably be revised and the monetary benefit may be allowed w.e.f. 01.04.2015 and the question of payment of arrears will not arise."

4. It is the claim of the petitioner that he retired from service after 01.01.2008 and therefore, his claim must be considered in terms of G.O.Ms.No.146 Transport (C) Department dated 30.11.2015.

5. The date of retirement of the petitioner is 31.07.2009. G.O.Ms.No.146 Transport (C) Department dated 30.11.2015, enables the petitioner to claim service benefits from 01.01.2008 (even though he retired on 31.07.2009) and monetary benefits from 01.04.2015. Claiming such benefits, the petitioner has submitted a representation dated 08.08.2016. As the same is not considered, this writ petition has been filed.

6. Learned Additional Government Pleader appearing for the first respondent and the learned Standing Counsel for the second respondent submitted that it is agreeable for the respondents to consider the representation of the petitioner dated 08.08.2016 and to pass orders.

7. Under such circumstances, this Writ Petition is disposed of with a direction to the respondents to consider the representation of the petitioner dated 08.08.2016, in the light of G.O.Ms.No.146 Transport (C) Department dated 30.11.2015 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(AS)

/True Copy/

Sub Assistant Registrar

To

The Additional Chief Secretary to Government,
Transport (C) Department, Chennai - 9.

+1 cc to Mr. M.KARTHIKEYA VENKITACHALAPATHY, ADVOCATE, SR NO.72771

mj

MAS/PN:07.02.2017:2P/3C

W.P (MD) No.22522 of 2016
25.11.2016