



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.04.2016

CORAM :

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**THE HONOURABLE MR.JUSTICE B.RAJENDRAN**

Writ Petition (MD) Nos. 7742 and 7743 of 2016

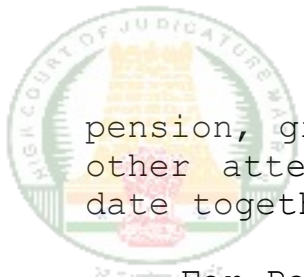
**W.P. (MD) No.7742 of 2016**

K.Dharmalingam,  
S/o.Karichi Gounder,  
Driving Instructor (Retired),  
Staff No.9524,  
Tamil Nadu State Transport Corporation (Kumbakonam) Ltd.,  
Trichy Region,  
Residing at:  
Oonaparapatti, Keeranoor Post,  
Panchapatti Via, Karur District - 639 119 ... Petitioner

**Versus**

1. The Tamil Nadu State Transport Corporation (Kumbakonam) Ltd.,  
Represented by its Managing Director,  
Kumbakonam.
2. The General Manager,  
The Tamil Nadu State Transport Corporation (Kumbakonam) Ltd.,  
Trichy Region,  
Trichy.
3. The Administrator,  
The Tamil Nadu State Transport Corporation Pension Fund Trust,  
Thiruvalluvar House,  
Pallavan Salai,  
Chennai - 600 002. ... Respondents

Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus to direct the respondents to grant the petitioner 4th and 5th review benefits and to revise his pay in the post of Driving Instructor 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 settlement dated 22.01.2011 and further directing the respondents to pay him the difference amount in his salary and to pay difference in his retirement benefits including difference amount in monthly



pension, gratuity, leave salary, commuted value of pension and all other attendant benefits payable to him from 01.02.2014 to till date together with interest at the rate of 18% per annum.

For Petitioner : Mr.A.Rahul  
For Respondents : Mr.D.Sivaraman  
Standing Counsel

**W.P. (MD) No.7743 of 2016**

D.David Raj,  
S/o.Duraisamy,  
Traffic Inspector (Retired),  
Staff No.79CR1064/79CR191,  
Tamil Nadu State Transport Corporation (Kumbakonam) Ltd.,  
Kumbakonam Region,  
Residing at:  
23, Pidarikulam Road, Kumbakonam,  
Thanjavur District.

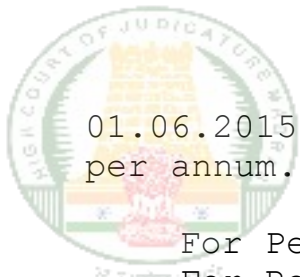
... Petitioner

**Versus**

1. The Tamil Nadu State Transport Corporation (Kumbakonam) Ltd.,  
Represented by its Managing Director,  
Kumbakonam.
2. The General Manager,  
The Tamil Nadu State Transport Corporation (Kumbakonam) Ltd.,  
Kumbakonam Region,  
Kumbakonam.
3. The Administrator,  
The Tamil Nadu State Transport Corporation Pension Fund Trust,  
Thiruvalluvar House,  
Pallavan Salai,  
Chennai - 600 002.

... Respondents

**Prayer:** Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus to direct the respondents to grant the petitioner the 5th review benefit and to revise his pay in the post of Checking Inspector with retrospective effect from 19.01.2012 in terms of Government order in G.O.Ms.No.61, Transport (C) Department, dated 30.04.2015 and as per settlement dated 22.01.2011 and further directing the respondents to pay him the difference amount in his salary and to pay difference in his retirement benefits including difference in gratuity, leave salary, commuted value of pension and all other attendant benefits payable to him from



01.06.2015 to till date together with interest at the rate of 18% per annum.

For Petitioner : Mr.A.Rahul

For Respondents : Mr.D.Sivaraman

Standing Counsel

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### COMMON ORDER

Heard the counsel for both sides. In view of the fact that the issue involved in both the writ petitions is one and the same, both the writ petitions are taken up together and disposed of by this common order.

2. The Writ Petition in W.P.(MD)No.7742 of 2016 has been filed seeking issuance of a Mandamus to direct the respondents to grant 4th and 5th review benefits to the petitioner and to revise his pay in the post of Driving Instructor 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 settlement dated 22.01.2011 and further directing the respondents to pay him the difference amount in his salary and to pay difference in his retirement benefits including difference amount in monthly pension, gratuity, leave salary, commuted value of pension and all other attendant benefits payable to him from 01.02.2014 to till date together with interest at the rate of 18% per annum.

3. The Writ Petition in W.P.(MD) No.7743 of 2016 has been filed seeking issuance of a Mandamus to direct the respondents to grant the 5th review benefit to the petitioner and to revise his pay in the post of Checking Inspector with retrospective effect from 19.01.2012 in terms of Government order in G.O.Ms.No.61, Transport (C) Department, dated 30.04.2015 and as per settlement dated 22.01.2011 and further directing the respondents to pay him the difference amount in his salary and to pay difference in his retirement benefits including difference amount in monthly pension, gratuity, leave salary, commuted value of pension and all other attendant benefits payable to him from 01.06.2015 to till date together with interest at the rate of 18% per annum.

4. The learned counsel appearing on behalf of the petitioners submitted that it would suffice if a direction is given to the respondents to consider the representation of the petitioners dated 14.03.2016 and 02.02.2016 and dispose of the same in terms of the Government Order in G.O.Ms.No.61, Transport (C) Department, dated 30.04.2015.

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

5. The learned Standing Counsel appearing for the respondents would submit that the respondents will consider the



representation of the petitioners on merits and in accordance with law.

6. In view of the limited scope of prayer sought for in these writ petitions, without expressing any opinion on the merits of the issue involved, the first respondent is directed to pass appropriate orders on the representation of the petitioners dated 14.03.2016 and 02.02.2016 respectively in the light of the Government Order in G.O.Ms.No.61, Transport (C) Department, dated 30.04.2015 and on merits and in accordance with law, as expeditiously as possible, preferably within a period of eight weeks from the date of receipt of a copy of this order.

7. With the above direction, both the Writ Petitions stand disposed of. No costs.

Sd/-

Assistant Registrar (P&A)

/True Copy/

Sub Assistant Registrar

**To**

1. The Managing Director,  
Tamil Nadu State Transport Corporation (Kumbakonam) Ltd.,  
Kumbakonam.
2. The General Manager,  
The Tamil Nadu State Transport Corporation (Kumbakonam) Ltd.,  
Trichy Region, Trichy.
3. The General Manager,  
Tamil Nadu State Transport Corporation (Kumbakonam) Ltd.,  
Kumbakonam Region,  
Kumbakonam.
4. The Administrator,  
The Tamil Nadu State Transport Corporation Pension Fund Trust,  
Thiruvalluvar House, Pallavan Salai,  
Chennai - 600 002.

+ 2 CC TO Mr.A.RAHUL, ADVOCATE IN SR No. 22438, 22437  
+ 2 CC TO Mr.D.SIVARAMAN, ADVOCATE IN SR No. 22802, 22803

SRM/RSH

TE/SKS-RR : 14/10/2016 : 4P/9C

W.P. (MD) Nos.7742 and 7743 of 2016  
21.04.2016