



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.12.2017

C O R A M

WEB COPY

THE HONOURABLE MR.JUSTICE P.D.AUDIKESAVALU

W.P. (MD) No.23061 of 2017

M.K.S.Basheer Mohamed

... Petitioner

Vs.

1. The Government of Tamil Nadu,
Represented by its Secretary to Government,
Transport Department, Secretariat,
Chennai-600 009.

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

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

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

... Respondents

Prayer: Writ Petition filed under Article 226 of the constitution of India, to issue a writ of Mandamus, directing the respondents to grant the petitioner 4th and 5th review benefits and revise the petitioner's 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 (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 30.04.2015 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 30.04.2015 to till date together with reasonable rate of interest.



For Petitioner : Mr.N.Sudhagar Nagaraj
For Respondents : Mr.R.Velmurugan (for R1)
Government Advocate
Mr.D.Sivaraman (for R2 to R4)

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ORDER

The petitioner in the Writ Petition has sought for a direction to the respondent 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 (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 30.04.2015 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 30.04.2015 to till date together with reasonable rate of interest.

2.By consent of both parties, this Writ Petition is taken for final disposal at the stage of admission itself.

3.Heard, Mr.N.Sudhagar Nagaraj, the learned counsel appearing for the petitioner and Mr.R.Velmurugan, learned Government Advocate, and Mr.D.Sivaraman, learned counsel, who take notice for the respondents.

4.Though the petitioner has sought for a larger relief, the learned counsel for the petitioner brings to the notice of this Court that in the typed set filed along with the Writ Petition, the petitioner has placed a copy of the representation dated 30.11.2017, in which he has claimed the relief sought in the Writ petition from the respondents, but the same has not evoked any response till date.

5.The learned Standing counsel appearing for the respondents 2 to 4 on instructions states that the aforesaid representation of the petitioner could be disposed of within a specified time frame.

6.This Court is of the considered view that it would be appropriate to adopt such recourse for directing disposal of the representation of the petitioner by the third respondent and in the event of any adverse order, the petitioner may thereafter impeach the same in a manner recognized by law.

7.Accordingly, this Writ Petition is disposed of with a direction to the third respondent to dispassionately consider the representation of the petitioner dated 30.11.2017, and pass reasoned orders thereon, on merits and in accordance with law and communicate such decision to the petitioner and file a report of such compliance before the Registrar (Judicial), Madurai Bench of Madras High Court, Madurai on or before 31.01.2018. It is needless



to add here that the admitted amount of monetary benefits shall be expeditiously disbursed by the respondents to the petitioner and in any event, within a period of one month from the date of passing of the order disposing the representation. No costs.

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Sd/-
Assistant Registrar (T&P)

/True Copy/

Sub Assistant Registrar

To

The Secretary to Government,
Government of Tamil Nadu,
Transport Department, Secretariat,
Chennai-600 009.

- + 1 CC TO Mr.N.SUDHAGAR NAGARAJ, ADVOCATE IN SR No. 93554
- + 1 CC TO Mr.D.SIVARAMAN, ADVOCATE IN SR No. 93650
- + 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 93359

TA

TE/SKN-RSK/SAR-4 : 04/01/2018 : 3P/5C

W.P. (MD) No.23061 of 2017
18.12.2017
(4/5)