



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.03.2017

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THE HONOURABLE MR.JUSTICE S.S.SUNDARW.P.(MD).Nos.4432 of 2017

P.Chinnathambi, S/o.Ponnan,
Checking Inspector(Retired), Staff No.88TS4059/14524,
Tamil Nadu State Transport Corporation (Kumbakonam) Ltd.,
Pudukottai Region. ..Petitioner

Vs.

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.,
Pudukkottai Region, Pudukkottai.

3. The Administrator, The Tamil Nadu State Transport
Corporation Pension Fund Trust,
Thiruvalluvar House, Pallvan 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 the 3rd review benefit and to revise his pay in the post of 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 settlement, dated 22.01.2011 and further directing the respondents to pay him the difference amount in his salary and 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 the petitioner from 01.11.2012 to till date of payment together with interest at the rate of 18% per annum.

For Petitioner
For R-1 & R-2

For R-3

: Mr.A.Rahul
: Mr.D.Sivaraman,
Standing Counsel for T.N.S.T.C.,
: Mr.A.P.Muthupandiyan,
Standing Counsel for T.N.S.T.C.,

O R D E R

This Writ petition has been filed by the petitioner for issuance of a Writ of Mandamus, directing the respondents to grant the petitioner the 3rd review benefit and to revise his pay in the post of 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 settlement, dated 22.01.2011 and further directing the respondents to pay him the difference amount in his salary and 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 the petitioner from 01.11.2012 to till date of payment together with interest at the rate of 18% per annum.

2. Heard the learned counsel appearing for the petitioner and the learned Standing Counsel appearing for the respondents.

3. Mr.D.Sivaraman, learned Standing Counsel for T.N.S.T.C., takes notice for the respondents 1 and 2 and Mr.A.P.Muthupandiyan, learned Standing Counsel for T.N.S.T.C., takes notice for the third respondent. By consent, the Writ petition itself is taken up for final disposal.

4. Though the Writ petition is for issuing a positive direction to pay the petitioner difference in Gratuity and difference in Earned Leave salary together with interest, the learned counsel for the petitioner submit that the petitioner will be satisfied if a direction is issued to the respondents to consider the representation of the petitioner, dated 17.02.2017 within a time stipulated by this Court.

5. Having regard to the limited scope of the prayer now sought for in the Writ petition, without expressing any opinion on the merits of the matter, this Court is inclined to issue the following direction:-

"The respondents are directed to consider the representation of the petitioner, dated 17.02.2017, and pass appropriate orders on merits and in accordance with law taking note of G.O.Ms.No.61, Transport (C) Department, dated 30.04.2015, within a period of eight weeks from the date of receipt of a copy of this order."

6. Accordingly, the Writ petition is disposed of. No costs.

Sd/-

Assistant Registrar(Records)

/True Copy/



To

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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.,
Pudukkottai Region, Pudukkottai.
3. The Administrator, The Tamil Nadu State Transport Corporation Pension Fund Trust,
Thiruvalluvar House, Pallvan Salai,
Chennai - 600 002.

+One cc to Mr.A.Rahul, Advocate, SR.No.15240

+One cc to Mr.D.Sivaraman, Advocate, SR.No.15158

pmu

RL/6C/3P/MR/SAR4/4.4.2017

ORDER MADE IN
W.P. (MD) .Nos.4432 of 2017

16.03.2017(2/2)