



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.03.2017

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WEB COPY

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

W.P. (MD) .No.23000 of 2016

K.Ganesan,
S/o.Karalakounder,
Checking Inspector, (Retired), Staff No. 9238,
Tamil Nadu State Transport
Corporation (Kumbakonam) Ltd.,
Trichy Region.
Residing at
2/90, Udaiyankulam Pudur,
Thottiyam Taluk,
Trichy District-621 215

.. Petitioner

Vs.

1. The Management of
Tamil Nadu State Transport
Corporation (Kumbakonam) Ltd.,
Kumbakonam.
2. The General Manager,
Tamil Nadu State Transport Corporation
(Kumbakonam) Ltd.,
Trichy Region, Trichy.
3. The Administrator,
Tamil Nadu State Transport,
Corporation Pension Fund Trust,
Thiruvalluvar Illam, Pallavan Salai,
Chennai -2.

.. Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order passed by the 2nd respondent in Ref:TNSTC/KUM/TRY/SM1/1769/2016, dated 25.04.2016, quash the same in so far as not re-fixing the pay of the petitioner in the post of Checking Inspector in accordance with G.O.Ms.No.61, Transport (C) Department, dated 30.04.2015 and direct the respondents to re-fix his pay in the post of Checking Inspector and to disburse all the monetary benefits in the light of the above G.O., and settlement entered under Section



12(3) of I.D.Act, dated 22.01.2011.

For Petitioner : Mr.A.Rahul
For R-1 & R-2 : Mr.D.Sivaraman,
Standing Counsel.
For R-3 : Mr.A.P.Muthupandian

O R D E R

This Writ petition has been filed by the petitioner for issuance of a Writ of Certiorarified Mandamus, calling for the records pertaining in Ref:TNSTC/KUM/TRY/SM1/1769/2016, dated 25.04.2016, quash the same in so far as not re-fixing the pay of the petitioner in the post of Checking Inspector in accordance with G.O.Ms.No.61, Transport (C) Department, dated 30.04.2015, and consequently direct the respondents to re-fix his pay in the post of Checking Inspector and to disburse all the monetary benefits in the light of the above Government Order and settlement entered under Section 12(3) of I.D.Act, dated 22.01.2011.

2. Heard the learned counsel appearing for the petitioner and the learned Standing Counsel appearing for the respondents 1 and 2 and the learned counsel appearing for the third respondent.

3.The petitioner was working as Checking Inspector in the Tamil Nadu State Transport Corporation,(Kumbakonam Limited) and retired from service with effect from 30.09.2012. The Pay Revision as far as the Checking Inspectors are concerned, the petitioner states that the Government has issued G.O.Ms.No.61, Transport(C) Department, dated 30.04.2015. As per the above Government Order, the Scale of Pay for Checking Inspectors and Driving Instructors were revised with effect from 01.09.2010 and the Government has also directed all the Managing Directors of State Transport Undertakings to revise the Scale of Pay of Checking Inspectors with effect from 01.09.2010. The Administrator, Tamil Nadu State Transport Corporation Employees Pension Fund Trust, was also directed to revise the pension to the pensioners those who retired on or after 01.09.2010 as ordered in the said Government Order.

4. The grievance of the petitioner is that the respondents have not complied with the directions of Government made in the above Government Order and that therefore, the petitioner along with others approached this Court by way of Writ Petitions in W.P. (MD)Nos.1768 to 1774 of 2016, dated 28.01.2016. Despite the fact that this Court has directed the second respondent to pass orders on the representations of the petitioners in the light of G.O.Ms.No.61, Transport(C)Department, dated 30.04.2015, the respondents did not comply with the order. The further grievance of the petitioner is that the General Manager, namely, the second respondent herein passed an order dated 25.04.2016, stating that action will be taken to give the monetary benefits to the



petitioner in terms of G.O.Ms.No.61, Transport(C)Department, dated 30.04.2015. Hence, the present Writ Petition has been filed by the Petitioner.

5. The learned Standing Counsel appearing for respondents 1 and 2 submit that they have already given the benefits to the petitioner and that it is only the third respondent, who has to disburse the amounts.

6. Despite notice, there is no representation for the third respondent. From the reading of the above Government Order, the third respondent is required to revise the pension to the petitioner and others in terms of G.O.Ms.No.61, Transport(C) Department, dated 30.04.2015.

7. Considering the facts and circumstances of the case, this Court pass the following order:-

"The respondents are directed to re-fix the pay and other benefits for the petitioner in accordance with G.O.Ms.No.61,Transport(C) Department, dated 30.04.2015 and to disburse all the monetary benefits in the light of the above Government Order within a period of six weeks from the date of receipt of a copy of this order. Since the respondents 1 and 2 have no objection with regard to the genuineness of the claim of the petitioner, they are also directed to co-operate for the early disbursement of the monetary benefits to the petitioner."

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

Sd/-

Assistant Registrar[AD II]

/True copy/

Sub Assistant Registrar

To

1. The Management of
Tamil Nadu State Transport
Corporation (Kumbakonam) Std.,
Kumbakonam.

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



3. The Administrator,
Tamil Nadu State Transport,
Corporation Pension Fund Trust,
Thiruvalluvar Illam, Pallavan Salai,
Chennai -2.

+1cc to Mr.D.Sivaraman, Advocate, SR.13812

+1cc to Mr.A.Rahul, Advocate, SR.13415

ORDER MADE IN
W.P. (MD) .No.23000 of 2016
09.03.2017

KK-RR-22.03.2017-4p-6c