



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.07.2018

CORAM :

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THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P (MD) No.15394 of 2018

N.Mani

... Petitioner

Vs.

1. Tamil Nadu State Transport Corporation
(Kumbakonam) Ltd.,
rep. by its Managing Director,
Kumbakonam.

2. The General Manager,
Tamil Nadu State Transport Corporation
(Kumbakonam) Ltd.,
Trichy Region,
Collector's Office Road, Trichy.

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

... Respondents

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Declaration, declaring the action of the 3rd respondent from reducing the petitioner's pension from Rs.9906/- to Rs.9133/- with effect from April 2012 is without jurisdiction and illegal and consequently to direct the respondents to restore his pension based on the pay revision given to him vide Letter issued by the Transport Department of Government of Tamil Nadu in Letter No.7841/C1/2010-4 dated 31.08.2010 and as per the entries made in his service record book mentioning the pay revision in accordance with the above Government Letter and by taking his basic pay at the rate of Rs.7750/- in the scale of pay of Rs.7500-250-12000/- at the time of the petitioner's retirement i.e.31.12.2008 and further directing the respondents to pay his arrears of difference in pension from April 2012 to till date within a time limit that may be fixed by this Court.

**O R D E R**

The prayer sought for in this writ petition is for a Writ of Declaration, declaring the action of the 3rd respondent in reducing the petitioner's pension from Rs.9906/- to Rs.9133/- with effect from April 2012 is without jurisdiction and illegal and consequently to direct the respondents to restore his pension based on the pay revision given to him vide Letter issued by the Transport Department of Government of Tamil Nadu in Letter No.7841/C1/2010-4 dated 31.08.2010 and as per the entries made in his service record book mentioning the pay revision in accordance with the above Government Letter and by taking his basic pay at the rate of Rs.7750/- in the scale of pay of Rs.7500-250-12000/- at the time of the petitioner's retirement i.e.31.12.2008 and further directing the respondents to pay his arrears of difference in pension from April 2012 to till date within a time limit that may be fixed by this Court.

2.Heard Mr.A.Rahul, learned counsel appearing for the petitioner and Mr.D.Sivaraman, learned standing counsel appearing for the respondents.

3.The petitioner joined as Junior Assistant at the respondent Corporation on 03.09.1979. Thereafter, by periodical promotion, he reached the level of Senior Superintendant and on superannuation, he retired from the said post on 31.12.2008. The petitioner had been rendering 29 years of unblemished service to the respondent Corporation. After retirement, the petitioner was given pension. However, subsequently, the same has been reduced, even though the petitioner had been entitled to get the revised scale of pay of Rs.7500-250-12000. Therefore, in order to rectify the anomaly for giving correct pension to the petitioner, the petitioner had given representation on 04.07.2018. In this regard, the learned counsel appearing for the petitioner would submit that if the said representation of the petitioner is directed to be considered and an order to that effect is directed to be passed, within a time frame, the petitioner would be satisfied.

4.I have heard the learned standing counsel appearing for the respondents, who would submit that the respondents would consider the representation of the petitioner dated 04.07.2018 on merits and an order to that effect would be passed, within a time frame.

5.Considering the limited scope of the writ petition and taking into account the submissions made by both sides, this Court is inclined to pass the following order:

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

The respondents 2 and 3 are directed to consider the representation of the petitioner dated



04.07.2018 and pass orders thereon, on merits and in accordance with law, with regard to the grievance of the petitioner for revision of pension, within a period of six weeks from the date of receipt of copy of this order."

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6. With the above direction, this writ petition is disposed of.
No costs.

Sd/-

Assistant Registrar (CO)

/True Copy/

Sub Assistant Registrar (CS-III)

+ 1 CC TO Mr.A.RAHUL, ADVOCATE IN SR No. 73433
+ 1 CC TO Mr.D.SIVARAMAN, ADVOCATE IN SR No. 73561

ARUL

TE/KAK/SAR-3 : 14/08/2018 : 3P/3C

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17.07.2018