



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.09.2018

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P. (MD) .No.20287 of 2018

R.Sugumaran

... Petitioner

Vs.

1. The Management of Tamil Nadu,
State Transport Corporation,
(Kumbakonam) Limited,
Managing Director, Kumbakonam.

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

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

... Respondents

Prayer: This Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to fix the petitioner's pay and grade pay at Rs.9,300-34,800 + 4,300/- with retrospective effect from 01.09.2010 and consequently directing the respondents to revise and refix his retirement benefits and to pay other attendant monetary benefits including revised pension based on the new scale of pay of Rs.9,300-34,800+4,300 (Grade Pay) and to disburse the difference in retirement benefits to him with interest at the rate of 18% per annum payable from 01.09.2010 to till the date of actual payment within the time limit that may be fixed by this Court.

For Petitioner

: Mr.A.Rahul

For R1 & R2

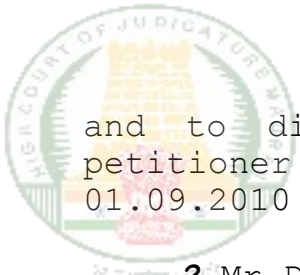
: Mr.D.Sivaraman

For R3

: Mr.A.P.Muthupandian

ORDER

This Writ Petition has been filed directing the respondents to fix the petitioner's pay and grade pay at Rs.9,300-34,800 + 4,300/- with retrospective effect from 01.09.2010 and consequently directing the respondents to revise and refix his retirement benefits and to pay other attendant monetary benefits including revised pension based on the new scale of pay of Rs.9,300-34,800+4,300 (Grade Pay)



and to disburse the difference in retirement benefits to the petitioner with interest at the rate of 18% per annum payable from 01.09.2010 to till the date of actual payment.

2. Mr. D. Sivaraman, learned Standing counsel takes notice for the first and second respondents. Mr. A. P. Muthupandian, learned counsel takes notice for the third respondent.

3. By consent of both the parties, the main Writ Petition itself is taken up for final disposal at the stage of admission.

4. The case of the petitioner is as follows:-

The petitioner was appointed as Conductor in the first respondent Corporation on 02.02.1979. Subsequently, he was promoted as Checking Inspector on 27.12.2008. He reached the age of superannuation on 30.06.2011 and retired from service.

5. According to the petitioner, he should be conferred with some more benefits as per G.O.M.S.No.61, Transport Department, dated 30.04.2015. But the new scale of pay was not extended to him. The petitioner's grievance is that as per Clause 5 of the 13th settlement, a Checking Inspector is entitled to get a new pay scale of Rs.9,300-34800+Grade pay of Rs.4,300/- with retrospective effect from 01.09.2010 and the monetary benefit will be given from the date of issuance of pay fixation order. In this regard, he made a representation to the respondents on 14.04.2018. Since the said representation did not evoke any response, the petitioner is before this Court with the present Writ Petition.

6. The learned standing counsel appearing for the respondents 1 and 2 would submit that the first and second respondents are prepared to consider the representation given by the petitioner and are yet to pass suitable orders on the same.

7. In view of the limited scope of the prayer sought for by the petitioner, the respondents are directed to consider the representation given by the petitioner in accordance with law. If the petitioner is otherwise found eligible to get monetary benefits, the same shall be paid to him within a period of two months from the date of receipt of a copy of this order, if there is no impediment to do so.

8. The Writ Petition is disposed of with the above direction. No costs.

Sd/-

Assistant Registrar (CS-III)

/True Copy/



To

1. The Managing Director,
Management of Tamil Nadu,
State Transport Corporation,
(Kumbakonam) Limited,
Kumbakonam.
 2. The General Manager,
Tamil Nadu State Transport Corporation,
(Kumbakonam) Limited,
Kumbakonam Region, Kumbakonam.
 3. The Administrator,
Tamil Nadu State Transport Corporation,
Pension Fund Trust,
Thiruvalluvar House, Pallavan Salai,
Chennai-2.
- + 1 CC TO Mr.D.SIVARAMAN, ADVOCATE IN SR No. 86594
- TSG
TE/RSK/SAR-2 : 27/11/2018 : 3P/5C

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25.09.2018