



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.03.2018

CORAM:

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P (MD) No.14155 of 2011

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R.Soleswaran

... Petitioner

Vs.

The Managing Director,
Tamil Nadu State Transport Corporation (KUM) Ltd
New Railway Feeder Road,
Kumbakonam.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified mandamus, calling for the records in TNSTC/KUM/HRD/1131/11, dated 08-09-2011 issued by the Respondent and quash the same and consequently direct the Respondent to sanction encashment of surrender leave at the revised scale of pay as per the directions of the Government Order in G.O.(Ms) No.63 Transport (D) Department, dated 05-02-2010.

For Petitioner	: Mr.H.Elango for Mr.P.Natarajan
For Respondent	: Mr.D.Sivaraman

ORDER

The learned counsel appearing on behalf of the respondent made submissions that the writ petitioner was allowed to retire from service on 30.06.2009 and all his terminal and pensionary benefits were settled in accordance with the rules in force. However, the Government issued G.O.Ms.No.63 Transport (D) Department dated 05.02.2010, granting service benefits with retrospective effect and other benefits. However, the benefits of the said G.O. had not been granted to the writ petitioners.

2.In view of the fact that the issuance of the G.O.Ms.No.63, on 05.02.2010, after the date of retirement of the writ petitioner on 30.06.2009 and in view of the Act, the respondent has not considered the case of the writ petitioner. Now, in the light of the G.O.Ms.No.63, a fresh consideration is required in this regard.

3.The writ petitioner is directed to submit a fresh representation to the respondent within a period three weeks from the date of a receipt of a copy of this order. On receipt of any such representation, the respondent is directed to consider the case of the writ petitioner in the light of G.O.Ms.No.63, dated 05.02.2010 and pass orders on merits and in accordance with law, within a period of twelve weeks therefrom. In respect of settlement of the terminal and pensionary benefits, settled in the impugned order dated 08.09.2011 are confirmed.



4. Accordingly, writ petition stands disposed of. However, there shall be no order as to costs.

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/True Copy/

Sd/-

Assistant Registrar(C.O)

Sub-Assistant Registrar

To

The Managing Director,
Tamil Nadu State Transport Corporation (KUM) Ltd
New Railway Feeder Road,
Kumbakonam

+One cc to Mr.Natarajan, Advocate, SR.No.56622

+One cc to Mr.D.Sivaraman, Advocate, SR.No.56385

dsk

RL/4C/2P/CVC/SAR1/2/4/2018

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