

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 13.09.2019
CORAM
THE HONOURABLE Mr. JUSTICE M. DHANDAPANI
W.P.No.13915 of 2019

G. Manickam

... Petitioner

vs

1.The Managing Director,
Tamil Nadu State Transport Corporation
(Coimbatore Division) Limited,
37, Mettupalayam Road,
Coimbatore - 641 002.

2.The General Manager,
Tamil Nadu State Transport Corporation
(Coimbatore Division) Limited,
Chennai Road,
Erode - 638 001.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondent to enhance the pension of the petitioner on a par with similarly placed Drivers who joined service along with him during 1981 - by refixing the scale of pay giving due weightage to his past service benefits and also disburse the arrears of pension and the arrears of difference in pay payable to the petitioner from the date of discharge on 29.12.1990 till the date of superannuation on 31.01.2002 with interest.

For Petitioner : Mr.S. Girija

For Respondents : Mr.R. S. Selvam,
Government Advocate

ORDER

This petition has been filed seeking for a direction to the respondent to enhance the pension of the petitioner on a par with similarly placed Drivers who joined service along with him during 1981, by re-fixing the scale of pay giving due weightage to his past service benefits and also to disburse the arrears of pension and the arrears of difference in pay payable to the petitioner from the date of discharge on 29.12.1990 till the date of superannuation on 31.01.2002 with interest.

2.It is the case of the petitioner that the petitioner is the former Driver discharged on Medical Grounds of colour blindness and he was provided alternative employment as cleaner and appointed as a fresh entrant. He retired from service on attaining the age of superannuation on 31.01.2002. Thereafter, he submitted a representation for enhancement of pension by counting the past nine years of service as Driver duly adhering the Disabilities Act, 1995. The respondents replied that the past service was calculated and pension has been enhanced, but it was without giving any weightage to notional service benefits. The grievance of the petitioner is that when compared to the pension being drawn by the similarly placed Drivers, who joined service along with the petitioner, it was drastically less about Rs.2,000/- per month. Hence, this petition has been filed.

3.The learned counsel for the petitioner submitted that though the petitioner made a representation to the respondents on 05.07.2011 in which the respondents have given reply to the petitioner on 06.07.2011, it would be suffice to issue directions to comply with the order dated 06.07.2011 to the respondents.

4.Without expressing any opinion on merits of the case and considering the limited request made by the learned counsel for the petitioner, this Court directs the respondents to comply with the order dated 06.07.2011 within a period of eight (8) weeks from the date of receipt of a copy of this order.

With the above directions, the Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS-III)

// True Copy//

सत्यमेव जयते
Sub Assistant Registrar

mps

To

1.The Managing Director,
Tamil Nadu State Transport Corporation
(Coimbatore Division) Limited,
37, Mettupalayam Road,
Coimbatore - 641 002.

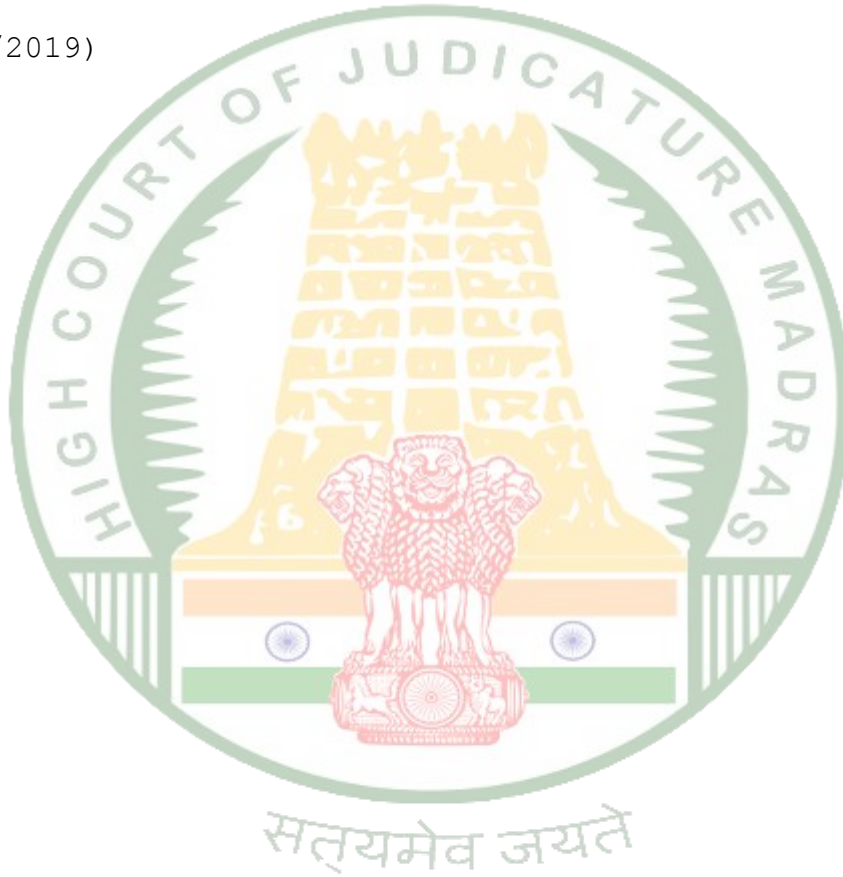
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2.The General Manager,
Tamil Nadu State Transport Corporation
(Coimbatore Division) Limited,
Chennai-malai Road,
Erode - 638 001.

+1cc to Ms.S.Girija, Advocate, SR.No.79234.
+1cc to Mr.R.S.Selvam, Advocate, SR.No.79595.

W.P.No.13915 of 2019

VGII (CO)
CSR(12/12/2019)



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