



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :27.02.2019

CORAM:

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THE HONOURABLE MR.JUSTICE **R.MAHADEVAN**

WP(MD)No.4448 of 2019

D.Murugu Adaikkalam

... Petitioner

Vs.

1.The Managing Director,
Tamil Nadu State Transport Corporation
(Kumbakonam) Ltd,
27, New Railway Station Road,
Kumbakonam,
Thanjavur District.

2.The Financial Advisor,
Tamil Nadu State Transport Corporation
(Kumbakonam) Ltd,
27, New Railway Station Road,
Kumbakonam - 612 001,
Thanjavur District.

3.The District Administrator,
TNSTC Employees Pension Trust,
Thiruvalluvar House,
No.2, Pallavan Salai,
Chennai - 600 002.

4.The General Manager,
Tamil Nadu State Transport Corporation
(Kumbakonam) Limited,
Pudukottai -1,
Pudukottai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents to revise the pension benefits and other revised terminal benefits like Gratuity Arrears, Leave Salary Arrears and Pension Arrears, etc with interest at the rate of 12% Per Annum payable from the date of retirement of the petitioner till the date of payment at the rate of 12% Per Annum payable for the said monetary benefits as per the VII Pay Commission Tamilnadu Government Pension Orders 2017 before retirement 2016 on the basis of 233rd Board meeting dated 29.12.2017 and the resolution in Resolution



No.56/2017-18, dated 29.12.2017, as per GO(Ms)No.134 Transport (D) Department dated 09.04.2018, agreeing for implementing the benefit of VII Pay Commission Report to the Managerial /Supervisory Cadre of TNSTC Officers.

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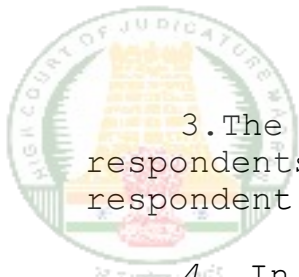
For Petitioner : Mr.K.Gokul
For Respondent : Mr.D.Sivaraman,
Nos.1, 2 and 4
For Respondent : Mr.AP.Muthupandian
No.3

ORDER

This writ petition has been filed seeking to direct the respondents to revise the pension benefits and other revised terminal benefits like Gratuity Arrears, Leave Salary Arrears and Pension Arrears, etc based on the resolution in Resolution No.56/2017-18, dated 29.12.2017, as per GO(Ms)No.134 Transport (D) Department dated 09.04.2018.

2.The learned Counsel for the petitioner submitted that the issue involved in this writ petition has already been settled by this Court in WP(MD)No.21025 of 2018, dated 23.10.2018 and prayed for the similar relief in this writ petition also and the relevant portion whereof reads thus:

"Admittedly, the benefits of 7th pay Commission is not applicable to the workmen category and they are governed by Settlement and Award. In case, the benefits of 7th pay Commission had already been granted to the in- service candidates (Workmen Category), as stated by the petitioner, the same benefits shall be extended to the others. In my view, as the petitioner is coming under managerial category, the benefits of 7th pay Commission has got to be extended to the petitioner taking into account any cut-off date for granting the benefits. In case, the petitioner comes within the cut-off date, within a period of two months from the date of receipt of a copy of this order. The arrears shall be paid to the petitioner together with interest at 6% per annum."



3.The learned Standing Counsel appearing for the 1st and 2nd respondents and the learned Standing Counsel appearing for the 3rd respondent have no serious objection to the above submission.

4. In view of the above, the writ petition is disposed of on the same lines as observed in W.P.(MD)No.21025 of 2018 dated 23.10.2018. No costs.

Sd/-

Assistant Registrar(Crl.Side)

/True Copy/

Sub Assistant Registrar

To

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Pudukottai -1,
Pudukottai District.

+1 CC to M/s.K.GOKUL, Advocate SR-50576
+1 CC to M/s.D.SIVARAMAN, Advocate SR-50594

ORDER MADE IN
WP (MD) No.4448 of 2019
27.02.2019

dsk

SP/PK/03.04.2019 : 3P/7C
<https://hcservices.ecourts.gov.in/hcservices/>