



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.03.2019

CORAM:

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

W.P. (MD) No.4903 of 2019

1.G.Murugesan
2.A.Balraj

... Petitioners

Vs

1.The Government of Tamil Nadu,
represented by its Additional Secretary
to Government,
Transport Department,
Secretariat, Chennai - 600 009.

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

3.The Administrator,
Tamil Nadu State Transport Corporation
Employees Pension Fund Trust,
Thiruvalluvar House, Pallavan Salai,
Chennai - 600 002.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the respondents to revise the petitioners' Dearness Allowance at the rate of 148% should be added in their monthly pension based on G.O.Ms.No.321, Finance (Allowances) Department, dated 24.09.2018 and further directing the respondents to pay the difference amount in the petitioners' pension for the period from date of their retirement to till date payable to the petitioners together with interest at the rate of 18%.

For Petitioners : Mr.N.Sudhagar Nagaraj

For Respondents

Nos. 2 & 3 : Mr.D.Sivaraman

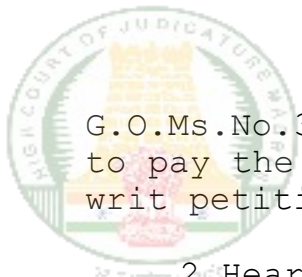
For Respondent

No.1 : M/s.J.Padmavathi Devi,
Special Government Pleader

ORDER

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

Seeking for a direction to the respondents to revise the petitioner's Dearness Allowance at the rate of 148% based on



G.O.Ms.No.321, Finance (Allowances) Department, dated 24.09.2018 and to pay the difference in pension together with interest, the present writ petition came to be filed by the petitioners.

2. Heard the learned counsel appearing on both sides and perused the materials available on record.

3. The learned Counsel for the petitioners submitted that petitioners were working in the respondent department and retired from service as Special Grade Driver and Senior Tradesman, respectively. To extend the revised Dearness Allowance as 148%, as per G.O.Ms.No.321, Finance (Allowances) Department, dated 24.09.2018 and to pay the difference amount in the petitioners' pension, the petitioners have made representation to the respondents, dated 30.11.2018. However, the respondents did not take any steps on the representation of the petitioners. Hence, they approached this Court, with the present writ petition.

4. The learned Standing Counsel appearing for the respondents, on instructions, submitted that the representation of the petitioners would be considered on merits within the time stipulated by this Court.

5. Under such facts and circumstances of the case, this Court, without going into the merits of the case, directs the respondents to dispose of the petitioners' representation, dated 30.11.2018, on merits and in accordance with law, after affording opportunity of hearing to the petitioners, within a period of six weeks from the date of receipt of a copy of this order.

6. This writ petition is disposed of, on the above terms. No costs.

Sd/-

Assistant Registrar(AE)

// True Copy //

Sub Assistant Registrar(CS)

To

1. The Additional Secretary to Government,
Transport Department,
Secretariat, Chennai - 600 009.

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



3. The Administrator,
Tamil Nadu State Transport Corporation
Employees Pension Fund Trust,
Thiruvalluvar House, Pallavan Salai,
Chennai - 600 002.

+1 CC to M/s.D.SIVARAMAN, Advocate in SR-56635
+1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No.57153
+1 CC to M/s.N.SUDHAGAR NAGARAJ, Advocate in SR-56340

W.P. (MD) No.4903 of 2019
25.03.2019

cmr
PK/26.04.2019 : 3P/7C