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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.03.2019

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

WP(MD)No.6253 of 2019

R.Selvaraj

... Petitioner

vs.

1.State Express Transport Corporation Ltd,
Represented by its Managing Director,
Thiruvalluvar Illam,
Pallavan Salai, Chennai -2

2.The Administrator,
Tamil Nadu State Transport Employees' Pension Fund Trust,
Thiruvalluvar Illam,
Pallavan Salai, Chennai-600 002.

... Respondents

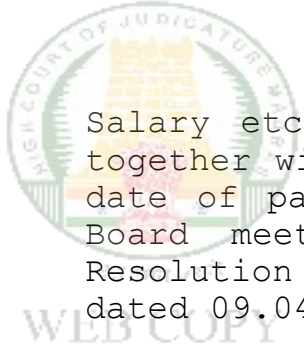
Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents to revise the petitioner's Pay Notionally with effect from 01.01.2016 and to revise his pension with effect from 01.10.2017 and also direct to pay the difference in terminal benefits payable to him such as Gratuity, Commutation and Leave Salary etc. and also pension arrears with effect from 01.10.2017 together with interest at the rate of 12% per annum to him till the date of payment of the said monetary benefits based on the 194th Board meeting held on 17.04.2018 and passed a resolution in Resolution No.7, as per the GOMs. No.134 Transport (D) Department dated 09.04.2018.

For Petitioner : Mr.A.Rahul

For Respondents : Mr.K.Sathiyasingh

O R D E R

This writ petition has been filed seeking to direct the respondents to revise the petitioner's Pay Notionally with effect from 01.01.2016 and to revise his pension with effect from 01.10.2017 and also direct to pay the difference in terminal benefits payable to him such as Gratuity, Commutation and Leave



Salary etc. and also pension arrears with effect from 01.10.2017 together with interest at the rate of 12% per annum to him till the date of payment of the said monetary benefits, based on the 194th Board meeting held on 17.04.2018 and a resolution passed in Resolution No.7, as per the GOMs. No.134 Transport (D) Department dated 09.04.2018.

2.The learned Counsel appearing for the petitioner submitted that the issue involved in writ petition is squarely covered by the decision of this Court in WP(MD)No.21025 of 2018, dated 23.10.2018 [P.Rajendran Vs The Managing Director TNSCTC and three others] and the relevant portions of the same read as follows:

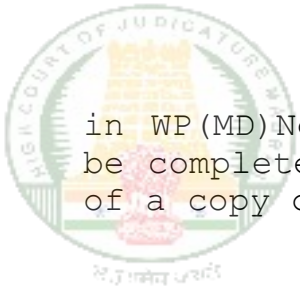
"6. It is not in dispute that the petitioner the petitioner had joined the services in the respondent Corporation, as Junior Assistant and retired from the service on 31.05.2016, due to superannuation. It is also not in dispute that the 7th Pay Commission benefits have not been extended to the petitioner. It is the contention of the respondent that the 7th Pay Commission benefits have not been extended to any one and the petitioner, as a matter of right, cannot be demanded.

7.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.

*8.Accordingly, the Writ Petition is ordered.
No costs."*

3.The learned Counsel for the petitioner prayed for a similar order in this writ petition also, for which, the learned Standing Counsel appearing for the respondents has no objection.

4.Considering the submissions made on either side and also
<https://hcservices.ecourts.gov.in/hcservices/>
 following the decision cited supra, the writ petition is disposed of, directing the respondents to consider the case of the petitioner and pass appropriate orders, in line with the decision of this Court



in WP(MD)No.21025 of 2018 dated 23.10.2018. Such an exercise shall be completed within a period of two months from the date of receipt of a copy of this order. No costs.

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Sd/-

Assistant Registrar (P&A)

// True Copy //

Sub Assistant Registrar(CS)

To

- 1.The Managing Director,
State Express Transport Corporation Ltd,
Thiruvalluvar Illam,
Pallavan Salai, Chennai -2
- 2.The Administrator,
Tamil Nadu State Transport Employees' Pension Fund Trust,
Thiruvalluvar Illam,
Pallavan Salai, Chennai-600 002.

+1 CC to M/s.K.SATHIYA SINGH, Advocate SR-54867.
+1 CC to M/s.A.K.THANGAVELU, Advocate SR-54873.

WP (MD) No. 6253 of 2019
18.03.2019

CS: (05/07/2019) 3P 5C