



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.03.2019

CORAM:

THE HONOURABLE MR.JUSTICE R.MAHADEVAN**W.P(MD) No.6448 of 2019**

A.Krishnamani

... Petitioner

vs

1.The Managing Director,
State Express Transport Corporation (TN)Ltd.,
Thiruvalluvar House,
No.2, Pallavan Salai,
Chennai-2.

2.The Financial Advisor,
State Express Transport Corporation(TN)Ltd.,
Thiruvalluvar House,
No.2, Pallavan Salai,
Chennai-2.

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

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents to revise the pension benefits and pension arrears etc with effect from 01.10.2014 and payment of the monetary benefit with effect from 01.10.2017 to till the date of payment at the rate of 12% per Annum payable for the said monetary benefits as per the VIIth Pay Commission Tamilnadu Govt. pension Orders 2017, before retired 2016, on the base of 194th board meeting dated 26.11.2018, passed a resolution in Resolution No.7/2018-19, as per G.O.Ms.No.134 Transport (D) Department, dated 09.04.2018.

For Petitioner : Mr.K.Gokul
For Respondents : Mr.K.Sathiya Singh
Standing Counsel

ORDER

The Writ Petition is filed seeking a direction to the respondents to revise the pensionary benefits and pension arrears, etc as per VIIth Pay Commission Tamilnadu Govt. pension Orders 2017, before retired 2016, on the base of 194th board meeting dated 26.11.2018, which passed a resolution in Resolution No.7/2018-19 and as per G.O.Ms.No.134 Transport (D) Department, dated 09.04.2018.



2. Heard the learned Counsel appearing for the petitioner and the learned Standing Counsel, who takes notice for the respondents. By consent, the Writ Petition is taken up for final disposal at the stage of admission itself.

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3. The case of the petitioner is that he has joined as Technical Assistant in the respondent Corporation and after periodical promotion, he was promoted as Senior Assistant Engineer and retired from service on 30.09.2014. On his retirement, his pension was fixed based on the 6th pay commission report. Now, the petitioner seeks his revised pension based on VIIth pay commission. In this regard, he made representation to the respondents on 05.03.2019. However, the same has not been considered so far. Hence, the petitioner has approached this Court by filing this Writ Petition.

4. The learned Counsel appearing for the petitioner submitted that a similar issue has already been decided by this Court in W.P.No.26478 of 2018, dated 31.01.2019, wherein this Court held as follows:

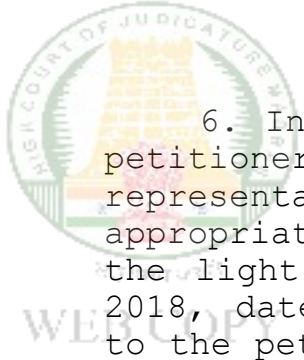
"In W.P. (MD) No.21025 of 2018, dated 23.10.2018, it has been held as under:

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.

10. 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. Consequently, the connected Miscellaneous Petitions are closed."

Hence, the learned Counsel sought for a similar direction in this writ petition as well.

5. The learned Standing Counsel appearing for the respondents has no serious objection for considering the case of the petitioner in line with the aforesaid order.



6. In view of the above, without going into the merits of the petitioner's case, the respondents are directed to consider the representation of the petitioner dated 05.03.2019 and pass appropriate orders on merits and in accordance with as well as in the light of the order passed by this Court in W.P.No.26478 of 2018, dated 31.01.2019, after affording an opportunity of hearing to the petitioner, within a period of eight weeks from the date of receipt of a copy of this order.

7. The Writ Petition stands disposed of with the above direction. No costs.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar (CS)

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To

1.The Managing Director,
State Express Transport Corporation (TN) Ltd.,
Thiruvalluvar House,
No.2, Pallavan Salai,
Chennai-2.

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

+1CC TO MR.K.GOKUL, Advocate Sr. No.55621

+1CC TO MR.K.SATHIYA SINGH, Advocate Sr. No. 55726

W.P (MD) No.6448 of 2019

19.03.2019

TR (27.04.2019) 3P 6C