



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.04.2019

CORAM:

THE HONOURABLE MR.JUSTICE. R.MAHADEVAN

W.P. (MD) No.6761 of 2019

WEB COPY

- 1.S.Mohan
- 2.G.Dhandapani
- 3.S.Marimuthu
- 4.B.Muthu
- 5.R.Gnanasekaran
- 6.D.Ramalingam
- 7.M.Saleem Ahamed
- 8.D.Madialagan
- 9.J.Rajendran
- 10.G.Karunanithi
- 11.R.Sekar
- 12.D.Vijayan Samuel
- 13.R.Thangaraj
- 14.T.Punniyamoorthy

... Petitioners

Vs.

1. The Government of Tamil Nadu,
rep.by its Principal Secretary to Government,
Transport Department,
Secretariat,
Chennai - 600 009.
2. The Managing Director,
State Express Transport Corporation Ltd.,
Pallavan Salai, Chennai.
3. The General Manager,
State Express Transport Corporation Ltd.,
Pallavan Salai, Chennai.
4. The Administrator,
Tamil Nadu State Transport
Corporation Employees Pension Fund Trust,
Thiruvalluvar House, Pallavan Salai,
Chennai - 600 002.

... Respondents

PRAYER : Writ Petition is filed under Article 226 of Constitution of India, to issue a writ of Mandamus directing the respondents to revise the petitioners' Dearness Allowance at the rate of 148% should be added in their monthly pension based on the G.O.Ms.No.321 Finance (Allowances) Department, dated 24.9.2018 and further directing the respondents to pay the difference amount in the petitioners' pension for the period from the 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 R1 : Mrs.J.Padmavathy Devi
Special Government Pleader
For R2 to R4 : Mr.K.Sathiyasingh

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ORDER

This writ petition has been filed seeking a direction to the respondents to revise the petitioners' Dearness Allowance at the rate of 148%, based on G.O.Ms.No.321 Finance (Allowances) Department, dated 24.9.2018 and further direct the respondents to pay the difference amount together with interest at the rate of 18%.

2.Heard the learned counsel for the petitioners; the learned Special Government Pleader for the first respondent and the learned Standing Counsel for the respondents 2 to 4.

3.The case of the petitioners is that they served in the second respondent Corporation and retired from service on various dates. According to them, they are entitled to 148% Dearness Allowance as per G.O.Ms.No.321 Finance (Allowances) Department, dated 24.9.2018. But such benefit is not extended to the petitioners. Hence, they made a representation dated 30.11.2018 to the respondents and no order has been passed on the same. Therefore, the petitioners are before this Court.

4.The learned Special Government Pleader for the respondents and the learned Standing Counsel for the respondents 2 to 4 submitted that the representation of the petitioners would be considered on merits and appropriate orders be passed.

5.In view of the above submission, this Court, without going into the merits of the case, directs the respondents to consider the representation of the petitioners dated 30.11.2018 in the light of G.O.Ms.No.321 Finance (Allowances) Department, dated 24.9.2018 and pass appropriate orders on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order, after affording an opportunity of hearing to the petitioners.

6.The writ petition is disposed of with the above direction. No costs.

sd/
Assistant Registrar(CS-III)

/True Copy/



To

1. The Principal Secretary to Government,
Government of Tamil Nadu,
Transport Department,
Secretariat, Chennai - 600 009.

2. The Managing Director,
State Express Transport Corporation Ltd.,
Pallavan Salai, Chennai.

3. The General Manager,
State Express Transport Corporation Ltd.,
Pallavan Salai, Chennai.

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

+1 CC to Mr.N.SUDHAGAR NAGARAJ, Advocate (SR-63446[F] dated
27/04/2019)

+1 CC to SPL GP (SR-64011[F] dated 29/04/2019)

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MJ

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