



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.04.2019

CORAM

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

W.P (MD) Nos. 6810, 6819 and 6767 of 2019

- 1.S.Ravi Murugan ... Petitioner in W.P.(MD)No.6810 of 2019
2.Sugumari ... Petitioner in W.P.(MD)No.6819 of 2019
3.Selvarani ... Petitioner in W.P.(MD)No.6767 of 2019

Vs.

- 1.The Managing Director,
Tamil Nadu State Transport Corporation,
Kumbakonam Limited, Kumbakonam.
2.The General Manager,
Tamil Nadu State Transport Corporation,
Karaikudi Limited, Karaikudi Region.
3.The Administrator,
Tamil Nadu State Transport Corporation,
Pension Fund Trust,
Thiruvalluvar Illam,
Chennai.

... Respondents in all W.Ps.

Common Prayer in WP (MD) Nos. 6810, 6819 & 6767 of 2019: Writ Petitions filed under Article 226 of the Constitution of India praying for the issuance of a writ of Mandamus, directing the respondents to revise the pay of the petitioners with effect from 01.01.2016 notionally and to pay difference in salary with implement from 01.10.2017 and to pay the difference in gratuity, difference in earned leave salary, difference in commutation and difference in pension with effect from the date of retirement of the petitioner together with interest at the rate of 18% per annum in terms of 7th pay commission recommendations for revision of pay as per G.O.Ms.No.134, Transport (D) Department dated 09.04.2018 within the time frame that may be stipulated by this Court.

For Petitioner : Mr.B.Santhanam Rajeshkumar
(in all W.Ps.)

<https://hcservices.ecourts.gov.in/hcservices/> For Respondents : Mr.P.Balasubramaniam

**COMMON ORDER**

These writ petitions have been filed seeking to review the pension benefits and pension arrears etc., as per VII Pay Commission Tamil Nadu Government Pension Orders 2017 before retired 2016, as per G.O.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.

2. Heard the learned counsel appearing for the petitioners and the learned Standing Counsel for the respondents. By consent, these writ petitions themselves are taken up for final disposal at the stage of admission.

3. The case of the petitioners is that they were lastly working as clerks and Junior Assistant in the respondent Corporation and attained the age of superannuation on 31.03.2017, 31.01.2018 and 30.04.2016 respectively. The petitioners' pension was fixed based on the 6th pay commission report. Subsequently, the Government of Tamil Nadu revised the pay scales for the existing officers/employees of the Government with effect from 01.01.2016 and for the pensioners, it has to be paid from 01.10.2017.

4. The grievance of the petitioners is that subsequent to the revision of pay in terms of G.O.Ms.No.303, Finance (Pay Cell) Department dated 11.10.2017 read with G.O.No.134 Transport (D) Department dated 09.04.2018, the petitioners have not been paid with the revised pensionary benefits. Hence, they made representations dated 25.08.2018 and 07.02.2019 to the respondents. Since no orders have been passed thereon, these writ petitions have been filed.

5. The learned counsel appearing for the petitioners submitted that in similar circumstances, this Court, passed orders in W.P (MD)No.26478 of 2018 [Pokkuvarathu Kazhaka Oyvu Petra Aluvalar Nala Sangam Kovai, (Regd.No.269/2011), rep.by its Secretary and another Vs. The Additional Chief Secretary to Government, Transport Department, Secretariat, Fort St. George, Chennai - 600 009 and 4 others] dated 31.01.2019. It would be useful to refer the operative portion of the order, which reads as follows:

"9. 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-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

