



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.03.2019

CORAM:

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

W.P.(MD)No.6861 of 2019

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R.Teekaram

... Petitioner

Vs

- 1.The Managing Director,
State Express Transport Corporation (TN) Limited,
Thiruvalluvar House,
No.2, Pallavan Salai, Chennai - 2.
- 2.The Financial Advisor,
State Express Transport Corporation (TN) Limited,
Thiruvalluvar House,
No.2, Pallavan Salai, Chennai - 2.
- 3.The Administrator,
TNSTC Employees Pension Trust,
Thiruvalluvar House,
No.2, Pallavan Salai, Chennai - 2. ... 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 pension benefits and pension arrears, etc. with effect from 01.05.2013 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 VII Pay Commission Tamilnadu Government Pension Orders 2017 before retired 2016 on the basis of 194th Board Meeting, dated 17.04.2018 passed a resolution in Resolution No.7/2018-19, as per the G.O.Ms.No.134, Transport (D) Department, dated 09.04.2018.

For Petitioner : Mr.K.Gokul

For R1 to R3 : Mr.K.Sathyasingh

ORDER

Seeking to revise the pensionary benefits and pension arrears, etc., as per VII Pay Commission Tamil Nadu Government Pension Orders 2017 before retired 2016, on the basis of Resolution in Resolution No.7/2018-19 and as per the G.O.Ms.No.134, Transport (D) Department, dated 09.04.2018, the present writ petition is filed.

<https://hcservices.courts.gov.in/hcservices/>
2. Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondents. By consent, the Writ



Petition itself is taken up for final disposal at the stage of admission.

3. It is the case of the petitioner that after retired from service on 30.04.2013, as Senior Assistant Engineer, the petitioner's pension was fixed as per the 6th Pay Commission. 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 petitioner 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.Ms.No.134 Transport (D) Department, dated 09.04.2018, the petitioner has not been paid with the revised pensionary benefits. Hence, he made a representation, dated 01.03.2019 to the respondents. Since no orders have been passed thereon, this writ petition has been filed.

5. The learned Counsel appearing for the petitioner submitted that in similar circumstances, this Court, passed orders in W.P. (MD)No.26478 of 2018 (Pokkuvarathu Kazhaga 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-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 receipt of a copy of this order, the arrears shall be paid to the petitioner together with interest at 6% per annum."

6. Thus the learned Counsel for the petitioner sought a similar writ petition as well, for which, the learned Counsel appearing for the respondents has no serious objection.



7. In view of the above, this writ petition is disposed of on the same lines as observed in W.P.(MD)no.26478 of 2018, dated 31.01.2019. No costs.

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Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar (CS)

To

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State Express Transport Corporation (TN) Limited,
Thiruvalluvar House,
No.2, Pallavan Salai, Chennai - 2.
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3. The Administrator,
TNSTC Employees Pension Trust,
Thiruvalluvar House,
No.2, Pallavan Salai, Chennai - 2.

CMR

W.P. (MD) No. 6861 of 2019
22.03.2019

_KM/ (27.04.2019) 3P 4C