

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED: 04.04.2019

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN**W.P(MD)No.8109 of 2019**

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M.Jesindal Mary

... Petitioner

Vs.

1.The Additional Chief Secretary,
Chairman of All Tamil Nadu State Transport Corporations,
Transport Department, Fort St. George, Chennai - 9.

2.The Managing Director,
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 - 600 002.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Mandamus, directing the respondents to revise the pension benefits and pension arrears etc with effect from 01.01.2016 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 7th Pay Commission Tamil Nadu Government Pension Orders, 2017 before retired 2016 on the base of 194th Board meeting dated 17.04.2018 passed a resolution in Resolution NO.7/2018-19, as per G.O.Ms.No.134, Transport (D) Department, dated 09.04.2018.

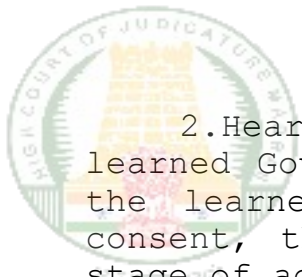
For Petitioner : Mr.K.Gokul

For R - 1 : Mr.V.Anand,
Government Advocate.

For RR 2 & 3 : Mr.K.Sathya Singh

ORDER

This writ petition has 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, on the basis of Resolution No.7/2018-19, dated 17.04.2018 and as per G.O.Ms.No.134, Transport (D) Department dated 09.04.2018.



2. Heard the learned counsel appearing for the petitioner; the learned Government Advocate appearing for the first respondent and the learned counsel appearing for the respondents 2 and 3. 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 she joined as a Typist cum Telex Operator in the respondent Corporation and after periodical promotions, she was promoted as Superintendent and she retired from service on attaining the age of superannuation on 31.02.2015. The petitioner's 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 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.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 13.08.2018 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 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 to 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 a copy of this order, the arrears shall be paid to the petitioner together with interest at 6% per annum".



Hence, the learned counsel prayed for a similar relief in this Writ Petition as well.

6.The learned counsel appearing for the respondents has no objection for granting such relief to the petitioner.

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7.Considering the facts and circumstances of the case and having regard to the submissions made by the learned counsel on either side and also following the earlier order of this Court (cited supra), this 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 W.P (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.

Sd/-

Assistant Registrar (CS-III)

/ True Copy /

Sub Assistant Registrar(CS)

To

1.The Additional Chief Secretary,
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+1 CC to M/s.K.GOKUL, Advocate (SR-58770[F] dated 04/04/2019)

+1 CC to M/s.K.SATHIYA SINGH,Advocate(SR-59034[F] dated 04/04/2019)

W.P (MD) No.8109 of 2019
04.04.2019

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