



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 20.08.2019
CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

WEB COPY

W.P. (MD)No.16401 of 2019

C.Ashok Kumar

... Petitioner

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, Karaikudi.

3.The Administrator,
Tamil Nadu State Transport Corporation,
Pension Fund Trust,
Thiruvalluvar Illam,
Chennai.

... Respondents

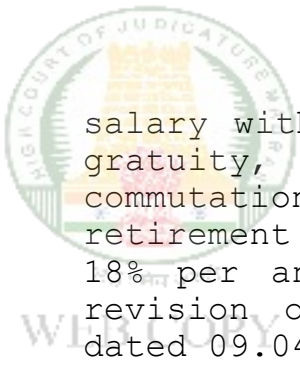
Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the first respondent to revise the pay of the petitioner with effect from 01.01.2016 notionally and to pay difference in salary with implement from 01.10.2017 and to pay the difference 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 to be fixed by this Court.

For Petitioner : Mr.B.Santhanam Rajeshkumar

For Respondents : Mr.P.Balasubramanian
Standing Counsel

ORDER

This Writ Petition has been filed by the petitioner seeking a direction to the respondents to revise the pay of the petitioner 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 to be fixed by this Court.

2.The case of the petitioner is that lastly, he was working as Senior Superintendent and attained the age of superannuation on 31.05.2017. The respondents did not increase the annual increments for his basic salary on the basis of the 7th pay commission report. 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 revised pensionary benefits. Hence, he made a representation dated 08.07.2019 to the respondents and since no orders have been passed thereon, this Writ Petition has been filed.

3.The learned counsel appearing for the petitioner submitted that in similar circumstances, this Court, passed orders in **W.P. (MD) No.22337 of 2018, [K.Thirugnanasambandan Vs. The Managing Director and 3 others] dated 01.11.2018.** The learned counsel further submitted that if a direction is issued to the second respondent to consider the representation of the petitioner, dated 12.07.2019, in the light of the above said order passed by this Court, it would suffice.

4.The learned Standing Counsel appearing for the respondents submitted that the second respondent would consider the petitioner's representation dated 12.07.2019 and pass orders within a time frame to be fixed by this Court.

5.Recording the submission made by both parties, without going into the merits of the case, this Court directs the second respondent to consider the petitioner's representation dated 12.07.2019 and pass appropriate orders on merits and in accordance with law, by taking note of the earlier order passed by this Court in **W.P. (MD)No.22337 of 2018, dated 01.11.2018,** within a period of 12 weeks from the date of receipt of a copy of this order.

6.This Writ Petition is disposed of, with the above direction. No costs.

Sd/-
Assistant Registrar(CO)

/TRUE COPY/

Sub Assistant Registrar



To

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, Karaikudi.

3.The Administrator,
Tamil Nadu State Transport Corporation,
Pension Fund Trust,
Thiruvalluvar Illam,
Chennai.

+1 CC to M/s.P. BALA SUBRAMANIAN, Advocate (SR-82571[F] dated 20/08/2019)

+1 CC to M/s.B. SANTHANAM RAJESH KUMAR, Advocate (SR-83052[F] dated 22/08/2019)

W.P. (MD) No.16401 of 2019
20.08.2019

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JM/03.09.2019/3P/6C