



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.09.2019

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P. (MD) No.20190 of 2019

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V.Sundaram

... Petitioner

-Vs-

1.The Managing Director,
Tamil Nadu State Transport Corporation,
(Kumbakonam) Limited, Railway Station New Road,
Kumbakonam.

2.The Administrator,
Tamil Nadu State Transport Corporation
Employees Pension Fund Trust,
Thiruvalluvar Illam, Pallavan Salai,
Chennai-2.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to settle the difference in salary, pension, commutation of pension, gratuity and surrender leave salary along with interest on the belated payment of terminal benefits with effect from 01.07.2008, the date on which, the petitioner promoted as Superintendent in the Supervisory Cadre in terms of G.O.Ms.No.63, Transport (D) Department, dated 05.02.2010 with retrospective effect from 01.01.2008 and in the light of the judgment of this Court in W.P. (MD)No.24910/2018, dated 21.01.2019 filed by the similarly placed person.

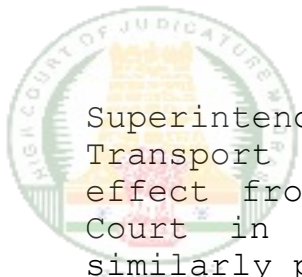
For Petitioner : Mr.S.Govindan
For Respondents : Mr.P.Balasubramanian

ORDER

Heard Mr.S.Govindan, learned counsel appearing on behalf of the petitioner and Mr.P.Balasubramanian, learned counsel, who takes notice on behalf of the respondents.

2.By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

3.This Writ Petition is filed for a direction to direct the respondents to settle the difference in salary, pension, commutation of pension, gratuity and surrender leave salary along with interest on the belated payment of terminal benefits with effect from 01.07.2008, the date on which, the petitioner was promoted as



Superintendent in the Supervisory Cadre in terms of G.O.Ms.No.63, Transport (D) Department, dated 05.02.2010, with retrospective effect from 01.01.2008 and in the light of the judgment of this Court in W.P.(MD)No.24910/2018, dated 21.01.2019, filed by the similarly placed person.

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4. According to the petitioner, he joined service of the respondent Corporation as Junior Assistant on 05.11.1980 and was promoted as Superintendent with effect from 01.07.2008. He retired from service on 28.02.2009 on attaining the age of superannuation. The Government has revised scale of pay and allowances to the State Government employees with effect from 01.01.2006 by way of G.O.Ms.Nos.234 and 236, Finance (PC) Department, dated 01.06.2009. The said benefits were extended to the Supervisory Cadre Officers by way of G.O.Ms.No.63, Transport (D) Department, dated 05.02.2010, with effect from 01.01.2008. Accordingly, the petitioner's pay and allowances were revised with effect from 01.01.2008. The respondent Corporation implemented the Tamil Nadu Revised Scale of Pay Rules, 2009 to the Managerial Cadre Officers and Technical / Administrative Supervisory Cadre Employees in State Transport undertakings in terms of G.O.Ms.No.63, Transport (D) Department, dated 05.02.2010 with retrospective effect from 01.01.2008.

5. The learned counsel appearing on behalf of the petitioner contended that the petitioner was promoted as Superintendent from Special Grade Assistant, by the order dated 16.06.2008, with effect from 01.07.2008 and retired on 28.02.2009. After his retirement, the Government, by G.O.Ms.No.63, dated 05.02.2010, revised the scale of pay with retrospective effect from 01.01.2008. In view of the same, the petitioner has given representation to the first respondent, claiming difference of amount of the revised scale of pay to the petitioner.

6. The learned counsel appearing on behalf of the respondents submitted that the petitioner retired from service on 28.02.2009 and he made representation only on 17.07.2019. As per paragraph 4(B) (V) of G.O.Ms.No.63, dated 05.02.2010, the Technical / Administrative Supervisory Employees are eligible for arrears from 17.06.2009 only. Hence, the arrears accruing from 17.06.2009 onwards will be paid in one lump sum. The petitioner retired from service on 28.02.2009. Therefore, Government Order in G.O.Ms.No.63, is not applicable to the petitioner, insofar as the arrears are concerned.

7. Considering the rival submissions made on either side, without deciding the issues on merits, this Court directs the first respondent to dispose of the representation of the petitioner, dated 17.07.2019, within a period of twelve (12) weeks from the date of receipt of a copy of this order.



8. With the above direction, this Writ Petition stands disposed of. No costs.

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Sd/-

Assistant Registrar

Sub Assistant Registrar (CS)

To

1. The Managing Director,
Tamil Nadu State Transport Corporation,
(Kumbakonam) Limited, Railway Station New Road,
Kumbakonam.

2. The Administrator,
Tamil Nadu State Transport Corporation
Employees Pension Fund Trust,
Thiruvalluvar Illam, Pallavan Salai,
Chennai-2.

+1 CC to Mr. S. GOVINDAN, Advocate (SR-88017[F] dated 20/09/2019)
+1 CC to Mr. P. BALASUBRAMAIAN, Advocate (SR-88624[F] dated
23/09/2019)

W.P. (MD) No. 20190 of 2019
19.09.2019

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