



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.09.2019

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P. (MD)No.20757 of 2017

WEB COPY

C.Baluchamy

... Petitioner

Vs.

1.The Managing Director,
State Express Transport Corporation Tamilnadu Ltd.,
Pallavan Salai, Chennai-2.

2.The Branch Manager,
State Express Transport Corporation Tamilnadu Ltd.,
Madurai-7.

3.The Administrator,
Tamilnadu Transport Corporation Employees Pension
Fund Trust, Thiruvalluvar Illam,
Pallavan Salai,
Chennai-2.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to extend the benefit of 6th Pay Commission Recommendations in terms of G.O.Ms.63 Transport (D), Department, dated 5.2.2010 to the petitioner like those of other similarly placed persons the date on which the petitioner promoted as Superintendent on 3.6.2006 with all monetary and service benefits and the consequential pensionary benefits.

For Petitioner : Mr.S.Govindan

For Respondents : Mr.K.Sathiyasingh

ORDER

This writ petition is filed seeking for a mandamus, directing the respondents to extend the benefit of 6th Pay Commission Recommendations in terms of G.O.Ms.63 Transport (D), Department, dated 5.2.2010, to the petitioner like that of other similarly placed persons, the date on which, the petitioner was promoted as Superintendent i.e., on 3.6.2006 with all monetary and service benefits.

2. The petitioner was appointed as Junior Assistant on 16.07.1974 and retired as Superintendent on 31.03.2007. The Government issued G.O.Ms.No.235, dated 1.6.2009, revising the Pay



Scale of the Employees from 1.1.2006, including the petitioner. The petitioner was retired from service as Superintendent and hence, the petitioner is entitled to Pay Commission Recommendations in terms of G.O.Ms.No.63, dated 5.2.2010, since the petitioner comes under the category of Technical/Administrative Supervisory Cadre. The third respondent also issued Circular to all the Managing Directors for Revision of Pension based on the 6th Pay Commission Recommendation. In this regard, the petitioner submitted representations on 08.04.2013, 28.09.2015 and 05.05.2017 to extend the benefit of 6th Pay Commission Recommendations. He further submitted that the Secretary to Government Transport (D) Department by the letter dated 25.08.2010, issued direction to the Administrator of Tamil Nadu Transport Corporation employees Pension Fund Trust, but no order has been passed so far. Hence, the petitioner has come out with the present writ petition.

3. Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondents.

4. Considering the facts and circumstances of the case, the respondents are directed to consider the petitioner's representation, dated 5.5.2017 and pass orders in the light of the order issued by the Secretary to Government Transport (D) Departments vide his letter dated 25.08.2010, as expeditiously as possible.

5. With the above direction, the writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (Cs-II)

// True Copy //

Sub Assistant Registrar(CS)

+1 CC to M/s.S.GOVINDHAN, Advocate SR-87410.

+1 CC to M/s.K.SATHIYA SINGH, Advocate SR-88081.

W.P. (MD)No.20757 of 2017

18.09.2019

CS(14.10.2019) 2P 3C