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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.01.2020

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P No.1380 of 2020

S.Murugesan

Petitioner

vs.

1. Tamil Nadu State Transport Corporation (Salem) Ltd.,  
rep. by its Managing Director,  
No.5 Ramakrishna Road,  
Salem - 636 007.

2. The Administrator,  
Tamilnadu State Transport Corporation Employees -  
- Pension Fund Trust,  
No.2 Pallavan Salai,  
Chennai - 600 002.

Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to refix pay in the original cadre of the post of conductor and to calculate the pension and other benefits by taking the service from the date of joining viz., 05.07.1997 till the date of retirement. 30.16.2019 & to settle petitioner arrears of pay pension, Commutation of Pension, Gratuity, Leave Salary and Employee Post retirement Benefit Scheme (ERBS) amount and allowances and retirement benefits.

For Petitioner : Mr.P.Paramasiva Doss

For Respondents: Mr.D.Raghu  
Standing Counsel

O R D E R

This writ petition has been filed for issuance of writ of mandamus directing the respondents to refix the pay in the original cadre of the petitioner and to calculate the pension and to grant all the consequential monetary benefits.

2.The case of the petitioner is that he joined the services of Transport Corporation as a Conductor in the year 1997 and his services were also regularised. The petitioner suffered set back due to some medical conditions and



therefore, he was discharged from service by the Transport Corporation in the year 2000. Thereafter, the petitioner was again taken back into service as a Helper. The petitioner ultimately attained superannuation on 30.06.2019.

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3.The petitioner was sanctioned with pension only by taking note of the services rendered by him in the post of Helper and his past services in the post of Conductor were not reckoned. The petitioner, therefore, made a representation to the respondents seeking for refixing the pay in the original post of Conductor and to revise his pension and to pay all the consequential monetary benefits. The representation was made by the petitioner on 15.07.2019 and 26.09.2019. Since the same was not considered, the present writ petition has been filed seeking for appropriate directions.

4.Heard Mr.P.Paramasiva Doss, learned counsel appearing on behalf of the petitioner and Mr.D.Raghu, learned Standing Counsel appearing on behalf of the respondents.

5.Taking into consideration the facts and circumstances of the case and also the limited relief that has been sought for in this writ petition, there shall be a direction to the 1<sup>st</sup> respondent to consider the representations made by the petitioner on 15.07.2019 and 26.09.2019 and pass appropriate orders strictly in accordance with law, within a period of eight weeks from the date of receipt of copy of this order. The petitioner is directed to make a fresh representation to the 1<sup>st</sup> respondent along with the copy of the representations dated 15.07.2019 and 26.09.2019 and a copy of this order.

6.This writ petition is disposed of with the above directions. No Costs.

Sd/-

Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

ssr

To

1.The Managing Director,  
Tamil Nadu State Transport Corporation (Salem) Ltd.,  
No.5 Ramakrishna Road,  
Salem - 636 007.

2.The Administrator,  
Tamilnadu State Transport Corporation Employees -  
- Pension Fund Trust,  
No.2 Pallavan Salai,  
Chennai - 600 002.



+1cc to Mr.P.Paramasiva Doss, Advocate SR.5111

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CB(18/02/2020)