

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 13.08.2020

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P. NO.25716 OF 2013

- 1.M.Ranganathan
- 2.A.Sellamuthu
- 3.T.Palanivelu
- 4.T.Kothandaraman
- 5.G.Ranganathan
- 6.K.Kodisundaram
- 7.K.Thandapani
- 8.P.Subramaniam
- 9.D.Ramadoss
- 10.V.Chinnadurai
- 11.N.Rajasekaran
- 12.R.Dhandapani
- 13.D.Rathinasabapathi
- 14.L.Jambarjothi
- 15.N.R.Thirunavakkarasan
- 16.G.Balakrishnan
- 17.P.Rajagopal

... Petitioners

- Vs -

- 1.The Principal Secretary to Government
Transport (C1) Department
Secretariat,
Chennai 600 009.
- 2.The Managing Director,
TamilNadu State Transport
Corporation (Villupuram) LTD,
3/37.Salamedu, Villupuram 605 602.
- 3.The Administrator,
Tamil Nadu State Transport
Corporation Employees Pension Fund Trust
Pallavan Salai
Chennai 600 002.

.. Respondents

Writ petition filed under Article 226 of the Constitution of India praying this Court to issue a writ of Mandamus, directing the 2nd respondent to implement the Government Scale of Pay, as per 5th pay commission recommendation to the petitioners with effect from 1.1.1999, the day on which the Technical and

Administrative Supervisors were excluded from 12(3) settlement and revise the pension.

For Petitioner : Mr.S.T.Varatharajulu

For Respondents : Mr. S.Thangavel, Spl.G.P.
: Mr. Paramasiva Doss for TNSTC

ORDER

The present petition has been filed this writ petition, to direct the 2nd respondent to implement the Government Scale of Pay, as per 5th pay commission recommendation to the petitioners with effect from 1.1.1999, the day on which the Technical and Administrative Supervisors were excluded from 12(3) settlement and revise the pension.

2.The case of the petitioners is that the petitioners were employees of the 2nd respondent Corporation and they retired on various dates on and from 1.1.99, after attaining the age of superannuation. It is the averment of the petitioners that the staff of the Tamil Nadu Government Transport Department were granted benefits on par with the Government staff, even after their transfer and being placed under the respective Corporations, where they were absorbed. G.O.Ms.NO.142 Transport (C1) Department, dated 21.08.2008 was issued to revise the scale of pay and dearness allowances, as applicable to the Government employees by adopting the recommendations of the 5th pay commission recommendation with effect from 01.01.2008. It is the case of the petitioners that they being retired employees of the Transport department, similar benefits were extended to the retired Technical /Administrative Supervisory staff, who retired between 01.01.1999 and 01.01.2008. However the petitioners were excluded from the purview of 12(3) settlement and brought under Government scale of pay with effect from 1.1.1999. Hence for the non implementation of the 5th pay commission recommendations to these petitioners with effect from 1.1.1999, the petitioners have jointly made a representation dated 01.06.2013 to the respondent and since no action was forthcoming on the representation, left with no other alternative, they have filed this petition with the above said prayer.

3. Though very many grounds have been raised in support of the plea of the petitioners, however, when the matter is taken up for hearing, learned counsel appearing for the petitioners submitted that without going into the merits of the issue, it would suffice if this Court directs the respondents to pass orders on the representation dated 01.06.2013, submitted by the petitioners for extension of the benefits of the 5th pay

commission, if applicable to the petitioners within a particular time frame.

4. On the above contention, this Court heard the learned Special Government Pleader appearing for the respondents, who has no serious objections to such a direction being passed, and if the recommendation of the 5th pay commission is applicable to the petitioners, then the representation will be considered in accordance with law.

5. Considering the limited relief sought for, and also in view of the consent expressed by the learned counsel on either side, without going into the merits of the issue, this Court directs the 1st respondent to consider the representation made by the petitioners, in accordance with law and pass orders thereon within a period of three months from the date of receipt of a copy of this order, if not considered already.

6. With the above direction, this Writ petition is disposed of. There shall be no order as to costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Principal Secretary to Government
Transport (C1) Department
Secretariat,
Chennai 600 009.

2. The Managing Director,
TamilNadu State Transport
Corporation (villupuram) LTD,
3/37. Salamedu, Villupuram 605 602.

3. The Administrator,
Tamil Nadu State Transport
Corporation Employees Pension Fund Trust
Pallavan Salai
Chennai 600 002.

+1cc to M/s.S.T.Varadarajulu, Advocate in Sr.26827
+1cc to Government Pleader in Sr.26727

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VSN-II (CO)
RV(11/9/2020)