

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE :15.12.2020

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P. NO. 9024 of 2013
and
W.MP.No.9956 of 2019

K.Kalyanasundaram

.. Petitioner

- Vs -

- 1.The Principal Secretary to Government,
Transport (C1) Department,
Secretariat,
Chennai 600 009.
- 2.The Administrator,
Tamil Nadu State Transport
Corporation Employees Pension Fund Trust,
Pallavan Salai,
Chennai 600 002.
- 3.The Managing Director,
Metropolitan Transport Corporation (Chennai) Ltd,
Anna Salai, Chennai 600 002.
- 4.The Managing Director,
State Express Transport Corporation (Tamil Nadu) Ltd,
Pallavan, Salai 600 002.
- 5.The Managing Director
Tamil nadu State Transport
Corporation (Villupuram) Ltd,
Salamedu, Villupuram & District
- 6.The Managing Director,
Tamilnadu State Transport Corporation (Kumbakonam) Ltd,
46, Railway Station New Road,
Kumbakonam.
- 7.The Managing Director,
Tamilnadu State Transport Corporation (Madurai) Ltd,
Bye pass Road, Madurai 625 010.

8.The Managing Director,
Tamilnadu State Transport Corporation (Salem)Ltd,
12, Ramakrishna Road,
Salem 636 007.

9.The Managing Director,
Tamilnadu State Transport Corporation (Coimbatore)Ltd,
37, Mettupalayam Road,
Coimbatore 641 043.

10.The Managing Director,
Tamilnadu State Transport Corporation (Thirunelveli)Ltd,
Vannarappettai, TVDM Road,
Thirunelveli.

Respondents

Writ petition filed under Article 226 of the Constitution of India praying this Court to issue a writ of Certiorarified Mandamus, calling for the records pertaining to the Government Orders passed by the 1st respondent made in G.O.ms.NO.246, Transport Department, Dated 27.12.2004, G.O.Ms.No.75, Transport Department, dated 19.09.2006 and G.O.Ms.No.142, Transport Department, dated 21.08.2008 in so far as the fixation of cut off date in Para No.4 of the said Government Orders is concerned and the letter of the 1st respondent in his proceedings Letter No.1033 2/C1/2009-12 dated 8.1.2013, quash the same and direct the respondents to confer all the benefits from 1.1.1999, who were retired prior to 1.1.2008 and revised the Scale of pay as per 5th Pay Commission Recommendation with effect from 1.1.1999.

(Prayer amended as per order dated 25.10.2019 made in WMP.No.9950/19 in WP.No.9024/2013)

For Petitioner : Mr.P.Ganesh for
C.S. Associates

For Respondents: Mr.S.Thangavel, Spl.G.P for R1
:Mr.S.K.Sathis for RR2 & 5
:Mr.K.Moorthy for R3
:Mr.K.Kathiresan for R4
:Mr.D.Raghu for RR 6,7,8 & 10
:Mr.Sundaravadhanan for R9

ORDER

This writ petition has been filed by the petitioner, to call for the records pertaining to the Government Orders passed by the 1st respondent made in G.O.ms.NO.246, Transport Department, Dated 27.12.2004, G.O.Ms.No.75, Transport Department, dated 19.09.2006 and G.O.Ms.No.142, Transport Department, dated 21.08.2008 in so far as the fixation of cut

off date in Para No.4 of the said Government Orders is concerned and the letter of the 1st respondent in his proceedings Letter No.1033 2/C1/2009-12 dated 8.1.2013, quash the same and direct the respondents to confer all the benefits from 1.1.1999, who were retired prior to 1.1.2008 and revised the Scale of pay as per 5th Pay Commission Recommendation with effect from 1.1.1999.

2. When the matter was taken up today, learned counsel for the petitioner submitted that though the impugned order was passed in the year 2013, however in view of the passage of time, the issue has changed and, therefore, it would suffice, if this Court permits the petitioner to make a representation along with a copy of this order to the respondents and on receipt of the representation, the respondent may be directed to pass appropriate orders in accordance with law.

3. On the above contention this Court heard the learned Special Government Pleader as well as other learned counsel appearing for the respective respondents, who have no objection for such being a direction being issued in this Writ petition.

4. Considering the limited request made by the learned counsel for the petitioner, without going into the merits of the case, this Court permits the petitioner to make a representation along with a copy of this order to the respondents within a period of two weeks from the date of receipt of copy of this order and on receipt of the said representation, the respondents are directed to pass appropriate orders as expeditiously as possible.

5. With the above directions, this writ petition is disposed of. Consequently connected miscellaneous petition is closed. There shall be no order as to costs.

-s/d-

सत्यमेव जयते Assistant Registrar

True Copy

Sub-Assistant Registrar

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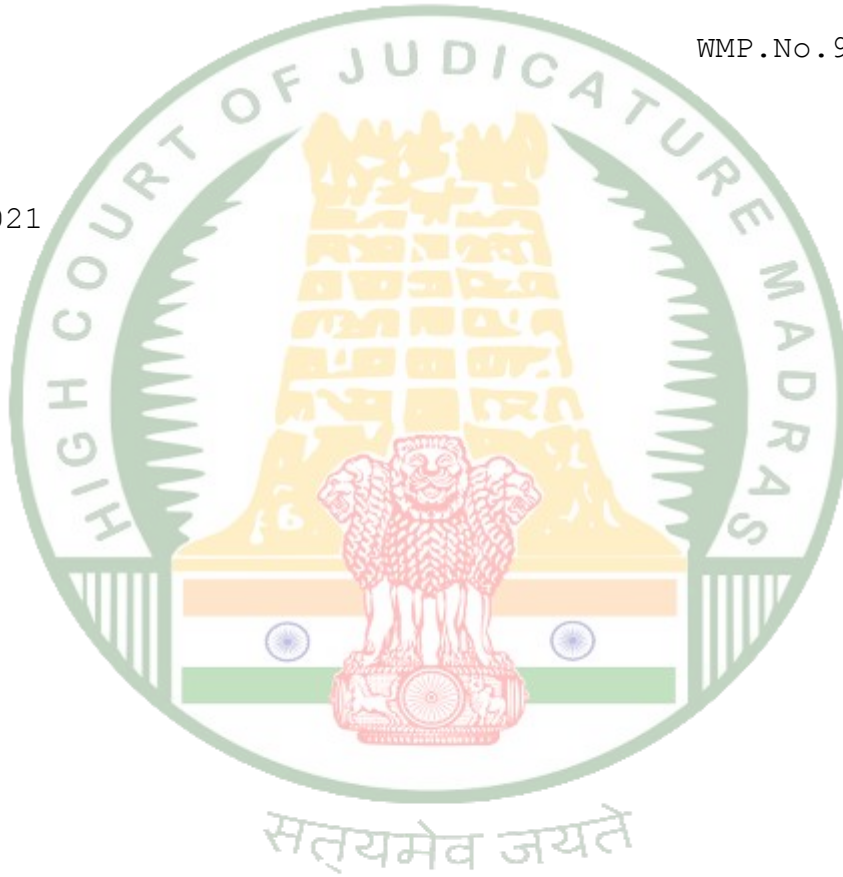
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+1 cc to Mr.C.S.K.Sathish Advocate sr41131
+1 cc to M/s.K.Kathiresan Standing counsel for SETC
sr41230
+1 cc to M/s.P.Ganesan CS Associates sr41330
+4 ccs to M/s.D.Raghu Standing Counsel TNSTC
sr41456
+1 cc to M/s.K.Moorthy Advocate sr41452
+1 cc to the Government Pleader High Court, Madras
sr41409

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