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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.03.2020

CORAM:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

W.P.(MD)No.5038 of 2020

R.Upplivaradhan

... Petitioner

-Vs-

1.The Managing Director,
Tamil Nadu State Transport Corporation (KUM) Ltd.,
27, New Railway Station Road,
Kumbakonam - 612 001,
Thanjavur District.

2.The Financial Advisor,
Tamil Nadu State Transport Corporation (KUM) Ltd.,
27, New Railway Station Road,
Kumbakonam - 612 001,
Thanjavur District.

3.The Administrator,
TNSTC Employees Pension Trust,
Thiruvalluvar House,
No.2, Pallavan Salai,
Chennai - 600 002.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondents to revised the pension benefits and other revised terminal benefits like Gratuity arrears, leave salary arrears and pension arrears etc., in the new scale of pay on the base of 7th Pay Commission with interest as per the Court direction at the rate of 6% per annum payable from the date of retirement (31.05.2016) of the petitioner till the date of payment of the said monetary benefits to the petitioner within a stipulated time frame as fixed by this Court.

For Petitioner

: Mr.K.Gokul

For Respondents

: Mr.P.Balasubramanian

**ORDER**

This writ petition has been filed for a direction to the respondents to revise the pension benefits and other revised terminal benefits like Gratuity arrears, leave salary arrears and pension arrears etc., in the new scale of pay on the base of 7th Pay Commission with interest as per the Court direction at the rate of 6% per annum payable from the date of retirement (31.05.2016) of the petitioner till the date of payment of the said monetary benefits to the petitioner within a stipulated time frame to be fixed by this Court.

2. Heard the learned counsel appearing for the petitioner and the learned Standing Counsel for the respondents. By consent, the writ petition itself is taken up for final disposal at the stage of admission.

3. The case of the petitioner is that he was last working as an Senior Superintendent in the respondents Corporation and attained the age of superannuation on 31.05.2016. The petitioner's pension was fixed based on the 6th pay commission report. Subsequently, the Government of Tamil Nadu revised the pay scales for the existing officers/employees of the Government with effect from 01.01.2016 and for the pensioners it has to be paid from 01.10.2017.

4. The grievance of the petitioner is that subsequent to the revision of pay in terms of G.O.Ms.No.303, Finance (Pay Cell) Department dated 11.10.2017 read with G.O.No.134 Transport (D) Department dated 09.04.2018, the petitioner has not been paid with the revised pensionary benefits. Hence, he made a representation dated 23.12.2019 to the respondents and since no orders have been passed thereon, this writ petition has been filed.

5. The learned counsel appearing for the petitioner submitted that in similar circumstances, this Court, passed orders in W.P(MD) No.26478 of 2018 [Pokkuvarathu Kazhaka Oyvu Petra Aluvalar Nala Sangam Kovai, (Regd.No.269/2011), rep.by its Secretary and another Vs. The Additional Chief Secretary to Government, Transport Department, Secretariat, Fort St. George, Chennai - 600 009 and 4 others] dated 31.01.2019. It would be useful to refer the operative portion of the order, which reads as follows:

"9. In W.P(MD) No.21025 of 2018 dated 23.10.2018, it has been held as under:

"Admittedly, the benefits of 7th pay commission is not applicable to the workmen category and they are governed by Settlement and Award. In case, the benefits of 7th pay commission had already been granted to the in-service candidates (Workmen category), as stated by the petitioner, the same benefits shall be extended to the others. In my view, as the petitioner is coming under managerial category, the benefits of 7th pay commission has got to be extended to the petitioner taking into account



any cut off date for granting the benefits. In case, the petitioner comes within the cut-off date, within a period of two months from the date of receipt of a copy of this order, the arrears shall be paid to the petitioner together with interest at 6% per annum".

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6. In view of the above, this writ petition is disposed of on the same line as observed in W.P(MD)No.26478 of 2018 dated 31.01.2019. No costs.

Sd/-

Assistant Registrar (P AND A)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

msa
To

1. The Managing Director,
Tamil Nadu State Transport Corporation (KUM) Ltd.,
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Thanjavur District.

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No.2, Pallavan Salai,
Chennai - 600 002.

+1 CC to M/s.P.BALASUBRAMANIAN, Advocate (SR-10837[F] dated 10/03/2020)

+1 CC to M/s.K.GOKUL, Advocate (SR-11045[F] dated 11/03/2020)

W.P. (MD) No.5038 of 2020
10.03.2020

KK/19.03.2020/ 3P- 6C