



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.03.2020

CORAM:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

W.P (MD)No.4888 of 2020

K.Subramanian

... Petitioner

Vs.

- 1.The Government of Tamil Nadu
Represented by its Secretary to Government
Transport Department, Secretariat
Chennai 600 009
- 2.The Managing Director
Tamil Nadu State Transport Corporation (Kumbakonam) Ltd.,
No.27, Railway Station Road
Kumbakonam
Thanjavur District
- 3.The General Manager
Tamil Nadu State Transport Corporation(Kumbakonam) Ltd.,
Trichy Region
Periyamilaguparai
Trichy
- 4.The Administrator
Tamil Nadu State Transport
Corporation Employees Pension Fund Trust
Thiruvalluvar House
Pallavan Salai
Chennai 600 002

... Respondents

PRAYER: Writ Petition has been filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, to direct the respondents to grant the petitioner 4th and 5th review benefits and revise his pay in the post of Driving Instructor with retrospective effect from 01.09.2010 in terms of Government Order in G.O.Ms.No.61 Transport (C1) Department, dated 30.04.2015 and as per 12(3) settlement dated 22.01.2011 and further directing the respondents to pay him difference amount in his salary from 01.09.2010 to 28.02.2014 and to pay difference in his retirement benefits including difference in monthly pension, Gratuity, Leave Salary, Computed Value of pension and all other attendant benefits



payable to him from the date of his retirement to till date together with interest at the rate of 18% per annum.

For petitioner : Mr.N.Sudhagar Nagaraj

For R1 : Mr.Karuppasamy Pandian
Government Advocate

For R2 & R3 :Mr.P.Balasubramanian

ORDER

This Writ Petition has been filed by the petitioner seeking a direction to to the respondents to grant the petitioner 4th and 5th review benefits and revise his pay in the post of Driving Instructor with retrospective effect from 01.09.2010 in terms of Government Order in G.O.Ms.No.61 Transport (C1) Department, dated 30.04.2015 and as per 12(3) settlement dated 22.01.2011 and further directing the respondents to pay him difference amount in his salary from 01.09.2010 to 28.02.2014 and to pay difference in his retirement benefits including difference in monthly pension, Gratuity, Leave Salary, Commuted Value of pension and all other attendant benefits payable to him from the date of his retirement to till date together with interest at the rate of 18% per annum.

2. By consent, the Writ Petition itself is taken up for final disposal.

3.The learned counsel for the petitioner would submit that the petitioner joined service in the second respondent Corporation with effect from 01.02.1981 and he retired from service on attaining the age of superannuation on 28.02.2014 in the third respondent office at Trichy Region as Driving Instructor. The petitioner has completed 35 years and 2 months of unblemished record of service. The learned counsel further submitted that the Government of Tamil Nadu issued G.O.Ms.No.61 Transport (C) Department dated 30.04.2015, revising the scale of pay of the Checking Inspector with effect from 01.09.2010. As per the said G.O, the petitioner is entitled to new scale of pay. Hence, the petitioner made a representation to the respondents on 07.01.2020. But, so far, no action has been taken by the respondents. Hence, the petitioner is before this Court.

4. Heard the learned counsel for the petitioner; learned Government Advocate appearing for the first respondent and the learned counsel appearing for the respondents 2 and 3.

5. Considering the limited prayer sought for in the Writ petition and without adverting to the merits of the case, the respondents are directed to consider the representation of the petitioner dated 07.01.2020 and pass orders on merits and in



accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.

6. This Writ Petition stands disposed of accordingly. No costs.

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Sd/-

Assistant Registrar

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

msa

To

The Secretary to Government
The Government of Tamil Nadu
Transport Department, Secretariat
Chennai 600 009

+1 CC to M/s.N.SUDHAGAR NAGARAJ, Advocate (SR-10729[F] dated 10/03/2020)

+1 CC to M/s.SPL.GP (SR-10779[F] dated 10/03/2020)

+1 CC to M/s.P.BALASUBRAMANIAN, Advocate (SR-10814[F] dated 10/03/2020)

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