



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.03.2020

CORAM

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

W.P (MD) No.5591 of 2020

N.Rasaldhas

.. Petitioner

Vs.

1.The Administrator,
Tamil Nadu State Transport Corporation
Employees' Pension Fund Trust,
Thiruvalluvar Illam, Pallavan Salai,
Chennai - 2.

2.The Managing Director,
Tamilnadu State Transport Corporation,
Thirunelveli Division,
KTC Nagar, Palayamkottai,
Thirunelveli District.

3.The General Manager,
Tamilnadu State Transport Corporation,
Nagercoil Region,
Ranithottam, Kanyakumari District. .. 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 herein to grant the petitioner the revised pension with par to the pension given to the similarly placed persons, who retired from service on the same date of the petitioner, namely on 31.03.2013 by calculating the variation amount of arrears legally entitled to him on the basis of the petitioner's representation made before them by RPAD dated 22.02.2020 and pass such further or other orders.

For Petitioner : Mr.B.Brijesh Kishore

For Respondents 2 and 3 : Mr.R.Rajamohan



ORDER

This writ petition has been filed for issuance of a Writ of Mandamus to direct the respondents herein to grant the petitioner the revised pension on par with the pension given to the similarly placed persons, who retired from service on the same date of the petitioner, namely, on 31.03.2013, by calculating the variation amount of arrears, for which he is legally entitled to, on the basis of his representation, dated 22.02.2020.

2.Mr.R.Rajamohan, learned counsel, takes notice for the respondents 1 and 2. Since the writ petition itself has been filed seeking to direct the 1st respondent to pay the revised pension along with arrears on the basis of the representation of the petitioner, dated 22.02.2020, notice to the 1st respondent is dispensed with and this Writ Petition is taken up for final disposal at the stage of admission itself.

3.The case of the petitioner is that the petitioner joined the service as driver on 23.02.1981 and retired from service as Senior Driving Trainee Instructor on 31.03.2013 from the 3rd respondent Corporation. His last drawn salary was Rs.15,535/-. One Mr.Iyappan, who retired alongwith the petitioner, is drawing more pension, namely, Rs.17,428/- whereas the petitioner is drawing only Rs.16,963/- as pension. Therefore, he made a representation dated 22.02.2020, to the respondents through RPAD requesting to pay the revised pension alongwith the arrears. Since the same has not been considered so far, the petitioner is before this Court.

4.The learned counsel for the petitioner would submit that it would suffice, if the representation of the petitioner dated 22.02.2020, is directed to be disposed of by the 1st respondent as per law.

5.Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondents 1 and 2 and perused the materials available on record.

6.Considering the limited scope of prayer sought for, this Court, without adverting to the merits of the case, directs the 1st respondent to consider the representation of the petitioner, dated 22.02.2020 and pass orders on merits and in accordance with law, within a period of twelve_(12) weeks from the date of receipt of a copy of this order. While sending the copy of this order, the petitioner shall enclose the copy of the representation, dated 22.02.2020 to the 1st respondent.



7. With the above directions, this Writ petition is disposed of.
No costs.

Sd/-

Assistant Registrar

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Sub Assistant Registrar(CS)

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To

1. The Administrator,
Tamil Nadu State Transport Corporation
Employees' Pension Fund Trust,
Thiruvalluvar Illam, Pallavan Salai,
Chennai - 2.

2. The Managing Director,
Tamilnadu State Transport Corporation,
Thirunelveli Division,
KTC Nagar, Palayamkottai,
Thirunelveli District.

3. The General Manager,
Tamilnadu State Transport Corporation,
Nagercoil Region,
Ranithottam, Kanyakumari District.

+1 CC to M/s.R.RAJAMOHAN, Advocate (SR-12315[F] dated 18/03/2020)

+1 CC to M/s.B.BRIJESH KISHORE, Advocate (SR-12305[F] dated
18/03/2020)

ORDER MADE IN

W.P(MD)No.5591 of 2020

Dated : 18.03.2020

SS/14.05.2020/3P-6C