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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.06.2021

CORAM:

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

WP.No.13110/2021

[Video Conferencing]

1.L.Selvaraj
2.P.Anbazhagan
3.S.Elangovan
4.D.Manoharan
5.Ramalingam
6.Velayutham
7.A.Rohini kumar
8.S.Sankaralingam
9.S.P.Deva Perumal
10.Malathy
11.M.Kaliyamurthy

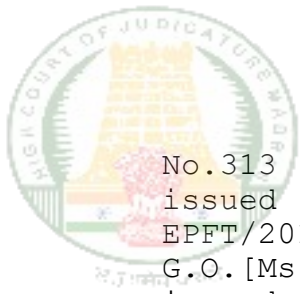
.. Petitioners

Vs

1. The State of Tamil Nadu
rep.by its Additional Chief
Secretary to Government
Finance Department, Secretariat
Chennai 600 009.
2. The State of Tamil Nadu
rep.by its Additional Chief Secretary
to Government, Transport Department
Secretariat, Chennai 600 009.
3. M/s.State Express Transport Corporation
rep.by its Managing Director,
No.2, Pallvan Salai, Chennai 600 002.
4. M/s.Tamil Nadu State Transport Corporation
Employees Pension Fund Trust, rep.by its
Administrator, No.2, Pallavan Salai Chennai 600 002.

.. Respondents

Prayer:-Writ Petition filed under Article 226 of the Constitution of India to issue a writ of mandamus directing the 3rd and 4th respondents herein to revise the pension of the petitioners retired before 01.01.2016 in view of the G.O.[Ms]



No.313 dated 25.10.2017 and G.O.Ms.No.333 dated 09.11.2007 issued by the 1st respondent ; Circular in Letter No.23/P2/TNSTC EPFT/2018-2173 dated 09.05.2018 issued by the 4th respondent and G.O.[Ms] No.134, Transport [D] Department dated 09.04.2018 issued by the 2nd respondent and in the light of the orders passed by this Court in WA.Nos.399 and 400 of 2014 dated 05.08.2014 and the orders of the Hon'ble Supreme Court in Transfer Case [Civil] No.72 of 2004 dated 10.10.2006, [2006] 11 SCC 709, in the similar cases by considering the representations of the petitioners 1 to 5, 8 and 9 dated 24.04.2021, 6th petitioner dated 26.04.2021, 7th petitioner dated 27.04.2021 and 10th and 11th petitioners dated 03.05.2021.

For Petitioners : Mr.D.Soundar Raj
For RR 1 & 2 : Mr.C.Kathiravan
Government Advocate
For RR3&4 : Mr.K.Murthy
Standing counsel

ORDER

1. By consent, the writ petition is taken up for final disposal and is disposed of by this order.
2. Mr.C.Kathiravan, learned Government Advocate accepts notice on behalf of the respondents 1 and 2 and Mr.K.Murthy, learned Standing counsel accepts notice on behalf of respondents 3 and 4.
3. The petitioners were appointed as Junior Assistants in the 3rd respondent Corporation and subsequently promoted as Superintendent/Senior Superintendent/Section Officer and retired from service on attaining the age of superannuation before 01.01.2016. It is the case of the petitioners that the pension for the pensioners/administrative supervisory staffs who retired from service from 17.06.2009, was also granted as per the VI Pay Commission Recommendations. It is also contended that the 4th respondent issued a Circular to all the Managing Directors of the State Transport Corporation vide Letter No.23/P2/TNSTC Soft/2018-2173 dated 09.05.2018 stating that the guidelines for revision of pension for the pensioners would be given separately. However, the same has not been framed till date. It is the belief and case of the petitioners that their pension would be revised as the respondents cannot treat equals unequally and deprive the petitioners of the benefit which was granted to several individuals, who are similarly placed as that of the petitioners. It is the further case of the



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petitioners that their prayer is supported by several judgments of the Hon'ble Supreme Court of India as well as the ratio laid down by the judgment of a Division Bench of this Court in WA.Nos.399 and 400/2014 dated 05.08.2014. Since the petitioners' prayer for revision of pension in the form of various representations has not been considered so far, they are constrained to approach this Court by filing the present writ petition.

4. The Court heard the submissions of the learned counsel for the petitioners ; the learned Government Advocate appearing for respondents 1 and 2 and the learned Standing counsel appearing for respondents 3 and 4 and perused the materials placed before it.
5. Since the petitioners have made representations to the respondents to revise the pension as per the recommendations of the VII Pay Commission and the said representations have not been considered so far, this Court is of the view that the respondents can be directed to consider and pass orders on the representations of the petitioners within the stipulated time frame.
6. Accordingly, the writ petition stands disposed of with a direction, directing the respondents 3 and 4 to consider the petitioners' representations submitted on various dates seeking revision of pension as per the Recommendations of the VII Pay Commission and pass appropriate orders on merits and in accordance with law in the light of the judicial precedents relied on by the petitioners, within a period of twelve weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioners. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

AP

To

1. The Additional Chief Secretary to Government
State of Tamil Nadu, Finance Department,
Secretariat Chennai 600 009.



2. The Additional Chief Secretary
to Government, State of Tamil Nadu
Transport Department,
Secretariat, Chennai 600 009.

3. Managing Director,
M/s.State Express Transport Corporation
No.2, Pallavan Salai, Chennai 600 002.

4. The Administrator,
M/s.Tamil Nadu State Transport Corporation
Employees Pension Fund Trust, No.2, Pallavan Salai
Chennai 600 002.

+1cc to Mr.D.Soundar Raj, Advocate, S.R.No.29277
+1cc to the Government Pleader, S.R.No.29199

WP.No.13110/2021

AK-11(CO)
CT/29/07/2021