



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.01.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P. (MD)No.176 of 2021
(Through Video Conference)

S.Kaliaperumal

... Petitioner

Vs

1.The Managing Director,
Tamil Nadu State Transport Corporation
(Kumbakonam) Limited, New Railway Station Road,
Kumbakonam 612 001.

2. The General Manager,
The Tamil Nadu State Transport Corporation
(Kumbakonam) Limited,
Kumbakonam Region,
New Railway Station Road,
Kumbakonam-612001.

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

... Respondents

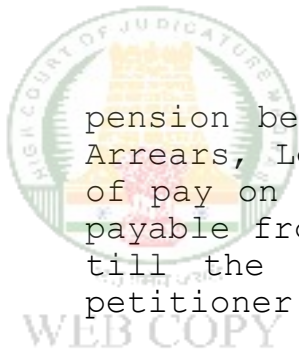
PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to revise the pension benefits and other revised terminal benefits like Gratuity Arrears, Leave Salary Arrears and Pension Arrears, etc in the scale of pay on the base of 7th pay commission with interest as per annum payable from the date of retirement(28.02.2016) of the petitioner to till the date of payment of the same monetary benefits to the petitioner within a stipulated time frame as fixed by this Court.

For Petitioner : Mr.K.Gokul

For RR 1 & 2 : Mr.D.Sivaraman,
Standing Counsel

O R D E R

The prayer in this writ petition is for issuance of a Writ of Mandamus, directing the respondents to revise the petitioner's



pension benefits and other revised terminal benefits like Gratuity Arrears, Leave Salary Arrears and Pension Arrears, etc in the scale of pay on the base of 7th pay commission with interest as per annum payable from the date of retirement(28.02.2016) of the petitioner to till the date of payment of the same monetary benefits to the petitioner within a stipulated time frame as fixed by this Court.

2. Today, when the matter was listed, the learned counsel for the petitioner brought to the notice of this Court that the issue involved in this writ petition has already been dealt with by this Court in W.P.(MD) No.23040 of 2019 and an order has been passed, dated 07.01.2020.

3. Mr.D.Sivaraman, learned standing counsel appearing for the respondents 1 & 2 also admitted that the issue is covered in the order passed by this Court in W.P.(MD) No.23040 of 2019 dated 07.01.2020.

4. The relevant portion of the aforesaid order in W.P.(MD) No.23040 of 2019 dated 07.01.2020.reads as follows:-

"4. In view of the above observations, there shall be a direction to the respondents herein to consider the petitioner's representation, dated 28.09.2019, in the light of G.O.Ms.No.303, Finance (Pay Cell) Department, dated 11.10.2017 and G.O.Ms.No.134 Transport (D) Department, dated 09.04.2018, on its own merits and pass appropriate orders within a period of eight (8) weeks from the date of receipt of a copy of this order. It is made clear that this Court has not expressed any of its view with regard to the claim made by the petitioner in his representation and it is for the respondent to consider it in accordance with law. "

5. In view of the submissions made by the respective counsels that the matter is covered through the aforesaid order, this Court is of the view that the same order can be passed in the present writ petition also.

6. Accordingly, there shall be a direction to the respondents herein to consider the petitioner's representation, dated 15.12.2020, in the light of G.O.Ms.No.303, Finance (Pay Cell) Department, dated 11.10.2017 and G.O.Ms.No.134 Transport (D) Department, dated 09.04.2018, on its own merits and pass appropriate orders within a period of eight (8) weeks from the date of receipt of a copy of this order. It is made clear that this Court has not expressed any of its view with regard to the claim made by the petitioner in his representation and it is for the respondents to consider it in accordance with law.



7. With the above direction, the writ petition stands disposed of. However, there shall be no order as to costs.

Sd/-

Assistant Registrar (AD-II)

WEB COPY

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the Advocate / litigant concerned.

To:

- 1.The Managing Director,
Tamil Nadu State Transport Corporation
(Kumbakonam) Limited,
Kumbakonam 612 001.
2. The General Manager,
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Kumbakonam Region,
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3. The Administrator,
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Thiruvalluvar House,
No.2, Pallavan Salai,
Chennai 600 002.

+1 CC to M/s.D.SIVARAMAN, Advocate (SR-493[F] dated 07/01/2021)

+1 CC to M/s.K.GOKUL, Advocate (SR-533[F] dated 07/01/2021)

Order made in
W.P. (MD) No.176 of 2021

Dated:

07.01.2021

(MA) CO

AP(25/01/2021) 3P 6C

<https://hcservices.ecourts.gov.in/hcservices/>