



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.07.2021

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P.(MD)No.11508 of 2021

WEB COPY

A.Kannusamy

... Petitioner

Vs.

1.The Managing Director,
Tamilnadu State Transport Corporation,
(Villupuram) Limited,
Villupuram.

2.The General Manager,
Tamil Nadu State Transport Corporation
(Villupuram) Limited,
Cuddalore Region,
Cuddalore.

3.The Administrator,
Tamilnadu State Transport Corporation
Pension Fund Trust,
Thiruvallur Illam,
Pallavan Salai,
Chennai-600 002.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to revise the pay of the petitioner with effect from 01.01.2016 notionally and to pay the difference in gratuity, difference in earned leave salary and difference in pension with arrears with effect from the date of retirement of the petitioner together with interest at the rate of 18% per annum in terms of 7th Pay Commission Recommendations for revision of pay scales as per G.O(Ms)No.134, Transport (D) Department, dated 09.04.2018 within the time limit that may be fixed by this Court.

For Petitioner	: Mr.A.Rahul
For R1 & R2	: Mr.D.Sivaraman
	Standing Counsel for TNSTC
For R3	: Mr.A.Swaminathan

ORDER

Mr.D.Sivaraman, learned standing counsel accepts notice for the respondents 1 & 2 and Mr.A.Swaminathan, learned counsel accepts notice for the third respondent. By consent of both sides, this writ



petition is taken up for final disposal at the stage of admission itself.

2. The prayer in the writ petition is for issuance of a Writ of Mandamus, directing the respondents to revise the petitioner's pay from 01.01.2016 and consequently pay the difference in Gratuity, difference in Earned Leave Salary, Arrears of Pension from the date of retirement of the petitioner together with interest at the rate of 18% per annum in terms of 7th Pay Commission Recommendations for revision of pay scale.

3. Today, when the matter is taken up for hearing, the learned counsel appearing 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, vide order, dated 07.01.2020 [S.Thenpandian vs. The Management of Tamil Nadu State Transport Corporation (Kumbakonam) Ltd., Trichy and another].

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

5. The relevant portion of the aforesaid order, made 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. "

6. In view of the submissions made by the respective learned counsels that the issue involved in the present writ petition is covered by the aforesaid order, this Court is of the view that the same order can be passed in the present writ petition also.

7. Accordingly, there shall be a direction to the respondents herein to consider the petitioner's representation, dated 10.02.2021, 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.



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

Sd/-

Assistant Registrar (CO)

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// 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,
Tamilnadu State Transport Corporation,
(Villupuram) Limited,
Villupuram.

2.The General Manager,
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(Villupuram) Limited,
Cuddalore Region,
Cuddalore.

3.The Administrator,
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Thiruvallur Illam,
Pallavan Salai,
Chennai-600 002.

+1 CC to M/s.A.RAHUL, Advocate (SR-21887[F] dated 09/07/2021)

+1 CC to M/s.D.SIVARAMAN, Advocate (SR-21984[F] dated 09/07/2021)

W.P. (MD) No.11508 of 2021
09.07.2021