



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.08.2021

CORAM

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P(MD)No.14040 of 2021

WEB COPY

A.Mohan

... Petitioner

Vs.

1.The Managing Director,
Tamil Nadu State Transport Corporation
(Kum) Ltd.,
TNSTC Head Office,
No.27, Railway Station New Road,
Kumbakonam - 612 001.

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

3.The Financial Adviser,
Tamil Nadu State Transport Corporation
(Kum) Ltd.,
TNSTC Head Office,
No.27, Railway Station New Road,
Kumbakonam - 612 001.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to review the petitioner's pension benefits and other retirement benefits arrears with effect from 01.01.2013 and pay the monetary benefit with effect from 01.10.2017 to till the date of payment along with interest at the rate of 6% per annum as per the VII Pay Commission, Tamil Nadu Government pension orders, 2017, on the basis of the petitioner's representation dated 02.07.2021, within the stipulated time to be fixed by this Court.

For Petitioner : Mr.SP.Vijay Nivas

For Respondents : Mr.D.Sivaraman
Standing Counsel for R1 & R3.
Mr.A.Swaminathan for R2

ORDER

Mr.D.Sivaraman, learned Standing Counsel takes notice on behalf of respondents 1 and 3 and Mr.A.Swaminathan, learned Standing Counsel takes notice on behalf of the third respondent.

2. By consent, this Writ Petition is taken up for final
<https://hcservices.ecourts.gov.in/hcservices/>



disposal at the admission stage itself.

3. It is case of the petitioner that after rendering 32 years of service, he retired from service in the respondents corporation on 31.05.2018, on attaining the age of superannuation. Thereafter, the petitioner applied for retirement benefits to the respondents. In the meantime, the Government implemented the 7th Pay Commission with effect from 01.10.2017. Therefore, the petitioner is fully eligible for revised pensionary benefits and other retirement benefits as per 7th Pay Commission. However, the respondents granted pensionary benefits on the basis of 6th Pay Commission. Hence, the petitioner has made a representation on 02.07.2021, seeking to extend the benefits of pensionary benefits, retirement benefits and other benefits under the 7th Pay Commission. However, till date the respondents have not passed any order on the representation of the petitioner. Hence, the petitioner has come out with the present Writ petition.

4. Even though the petitioner has made a larger relief, in the hearing today, the learned counsel appearing for the petitioner restricted the prayer and submitted that it would suffice, if there is a direction to the respondents to dispose the representation of the petitioner dated 02.07.2017. According to the learned counsel appearing for the petitioner, in similar circumstances, this Court passed orders in W.P.(MD)No.3609 of 2019, dated 18.02.2019 and therefore, the present Writ Petition is also covered by the aforesaid order passed by this Court.

5. The learned Standing Counsel appearing for the respondents would submit that the respondents will consider the petitioner's representation and pass orders.

6. Considering the submissions made on either side, this Court directs first respondent to consider the representation of the petitioner dated 02.07.2017 and pass orders on its own merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.

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

Sd/-

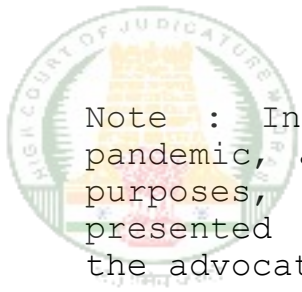
Assistant Registrar (T&P)

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/ /2021

Sub Assistant Registrar(CS)

vsm



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.

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(Kum) Ltd.,
TNSTC Head Office,
No.27, Railway Station New Road,
Kumbakonam - 612 001.

+1 CC to M/s.D.SIVARAMAN, Advocate (SR-26132[F] dated 12/08/2021)

W.P (MD) No.14040 of 2021
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RD(19.08.2021) 3P 3C