



**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED: 29.07.2021**

**CORAM:**

**THE HONOURABLE MS.JUSTICE V.M.VELUMANI**

**W.P(MD)No.13096 of 2021**

P.Rajendran

... Petitioner

**vs.**

1.The Tamil Nadu State Transport  
Corporation (Kumbakonam) Ltd.,  
Rep. By its Managing Director,  
Kumbakonam.

2.The General Manager,  
Tamil Nadu State Transport  
Corporation (Kumbakonam) Ltd.,  
Kumbakonam Region, Kumbakonam.

3.The Administrator,  
The Tamil Nadu State Transport  
Corporation Pension Fund Trust,  
Thiruvallur House, Pallavan Salai,  
Chennai - 600 002.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to pay the petitioner arrears of difference in pension from 01.04.2015 to April 2019, in terms of G.O.(Ms)No.146 Transport (C) Department dated 30.11.2015 with interest at the rate of 6% per annum.

For Petitioner : Mr.A.Rahul

For Respondents : Mr.P.Balasubramanian for R1 & R2  
Mr.A.Swaminathan for R3

**ORDER**

Mr.P.Balasubramanian, learned counsel takes notice for respondents 1 and 2 and Mr.A.Swaminathan learned counsel takes notice for the third respondent.

2. By consent, this Writ Petition is taken up for final disposal at the admission stage itself.

3. The petitioner has filed this Writ Petition seeking a direction to the respondents to pay the arrears of difference in pension from 01.04.2015 to April 2019, in terms of G.O.(Ms)No.146 Transport (C) Department dated 30.11.2015, with interest at the rate of 6% per annum.



4. According to the petitioner, he joined in the first respondent Corporation as Junior Assistant with effect from 03.08.1981. After periodical promotions, he reached the level of Superintendent and retired from service with effect from 31.01.2015. The Government constituted a Committee to examine the pay anomaly of the Superintendents of State Transport Undertakings. Based on the recommendation of the committee, the Government issued G.O.(Ms) No.146, Transport (C) Department, dated 30.11.2015. The Government in the said Government Order ordered that the Administrative Supervisory Cadre Employees of State Transport Undertakings, who have been promoted as Superintendents from Selection Grade Assistant/Special Grade Assistant Cadre and who have rendered not less than 10 years of service in the feeder post viz., Senior Assistant i.e., 14 years (up to the post of Senior Assistant Cadre) + 10 (in the Senior Assistant Cadre), totally 24 years of service before getting themselves considered for promotion to the post of Superintendent Cadre may be re-designated as Selection Grade Superintendent, so as to enable them to receive Selection Grade Superintendent time scale of pay of Rs.7500-250-12500/- with effect from 01.01.2008 and revised scale of pay (as per Sixth Pay Commission) of Rs.9300-34800+Grade Pay Rs.4900/- with effect from 17.06.2009. It was stated in the Government Order that monetary benefits arising out of the re-designation will be given with effect from 01.04.2015 and the pay of such Superintendents will be notionally fixed with effect from 01.01.2008 in terms of scale mentioned above and pension and other retirement benefits will also be re-fixed accordingly.

5. The Government directed the Managing Directors of all State Transport Undertakings to implement G.O.(Ms)No.146, Transport (C) Department, dated 30.11.2015, without any deviation and to furnish compliance report within two months to the Government.

6. In such circumstances, the petitioner made a representation dated 08.02.2021, seeking to revise the scale of pay in terms of G.O.(Ms)No.146, Transport (C) Department, dated 30.11.2015. Since no orders have been passed on the representation, the petitioner has come out with the present Writ Petition.

7. The learned counsel appearing for the petitioner submitted that it would suffice, if a direction is given to the third respondent to dispose the representation of the petitioner dated 08.02.2021, in the light of G.O.(Ms)No.146, Transport (C) Department, dated 30.11.2015.

8. The learned counsel appearing for the third respondent submitted that the third respondent will consider the representation of the petitioner within a time fixed by this Court.

9. Heard the learned counsel appearing for the petitioner, <https://hcverdicts.gov.in/cases/> appearing for respondents 1 and 2 and the learned



counsel appearing for the third respondent.

10. Considering the submission of the learned counsel for the petitioner as well as the submission of the learned counsel for respondents, the third respondent is directed to dispose of the representation of the petitioner dated 08.02.201, taking into consideration the Government Order in G.O.(Ms)No.146, Transport (C) Department, dated 30.11.2015, within a period of 12 weeks from the date of receipt of a copy of this order.

11. With the above direction, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /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.

To

1.The Managing Director,  
Tamil Nadu State Transport  
Corporation (Kumbakonam) Ltd.,Kumbakonam.

2.The General Manager,  
Tamil Nadu State Transport  
Corporation (Kumbakonam) Ltd.,  
Kumbakonam Region, Kumbakonam.

3.The Administrator,  
The Tamil Nadu State Transport  
Corporation Pension Fund Trust,  
Thiruvallur House, Pallavan Salai,Chennai - 600 002.

+1 CC to M/s.A.RAHUL, Advocate ( SR-24352[F] dated 29/07/2021 )

+1 CC to M/s.P.BALASUBRAMANIAN,Advocate(SR-24799[F]dated 30/07/2021)

**W.P(MD)No.13096 of 2021**

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