



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **12.11.2021**

CORAM:

THE HONOURABLE **DR.JUSTICE ANITA SUMANTH**

W.P.(MD)Nos.6747 & 6748 of 2018

M.A.Mahaboob Basha

...Petitioner in W.P.(MD)No.6747 of 2018

K.Thothathri

...Petitioner in W.P.(MD)No.6748 of 2018

/Vs./

1.The Managing Director,

The Tamil Nadu State Transport Corporation (Madurai) Ltd.,
Bye Pass Road, Madurai.

2.The Administrator,

The Tamil Nadu State Transport Corporation
Employees Pension Fund Trust,
Thiruvalluvar House,
Pallavan Salai, Chennai - 600 002.

...Respondents in both WPs

PRAYER in W.P.(MD)No.6747 of 2018:- Writ Petition - filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Mandamus, directing the Respondents to implement G.O. (Ms.) No.146, dated 30.11.2015 by redesignating the petitioner as Selection Grade Superintendent and to revise the petitioner's time scale of pay as Rs.7500-250-12500 notionally with effect from 01.01.2008 and to revise the petitioner's Pension and to pay the consequential Pensionary benefits with effect from 01.04.2015.

PRAYER in W.P.(MD)No.6748 of 2018:- Writ Petition - filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Mandamus, directing the Respondents to implement G.O. (Ms.) No.146, dated 30.11.2015 by redesignating the petitioner as Selection Grade Superintendent and to revise the petitioner's time scale of pay as Rs.7500-250-12500 notionally with effect from 01.01.2008 and to revise the petitioner's Pension and to pay the consequential Pensionary benefits with effect from 01.04.2015 as admitted by the first respondent in his letter dated 24.07.2017.

For Petitioners : Ms.D.Ramya (in both WPs)
for Mr.C.Thangamani

For Respondents : Mr.J.Senthil Kumaraiah (in both WPs)
Standing Counsel

COMMON ORDER

The petitioners in both the writ petitions are represented by the same counsels and in view of the admitted identity in facts as well as relief sought, a common order is passed disposing the



2. Prayers of both petitioners are for mandamus directing the respondents i.e., Managing Director of Tamil Nadu State Transport Corporation (Madurai Limited)/R1 and Administrator of Tamil Nadu State Transport Corporation Employees Pension Fund Trust/R2, to implement G.O.Ms.No.146, Transport (C) Department, dated 30.11.2015 by redesignating them as Superintendents, revise their time scales of pay notionally with effect from 01.01.2008, revise their pension and to pay over the consequential benefits with effect from 01.04.2015 within a timeframe to be fixed by this Court.

3. Both the petitioners entered service of the respondent Corporation on 04.11.1974 and 01.10.1973 respectively, as Junior Assistants, superannuating on 28.02.2009 and 31.05.2009 respectively. They have filed representations seeking the same benefits as claimed by them in these writ petitions.

4. Normally, the Court would have been inclined to direct the respondents to consider the representations filed, seeing as such consideration and consequent decision would rest upon an appreciation of the facts involved in the matters. However, the counter-affidavits filed by R1 in both cases, at para 5 thereof, state that representations of the petitioner are under consideration and that appropriate action will be taken subject to eligibility as per G.O.Ms.No.146, Transport (C) Department, dated 30.11.2015.

5. For purposes of establishing their eligibility, let the petitioners be called upon by issue of notice by R1, heard and orders be passed thereafter by R1. The aforesaid exercise will be completed within a period of eight weeks from date of uploading of a copy of this order upon the official website of this Court.

6. With these directions, these writ petitions stand disposed. No costs.

Sd/-

Assistant Registrar (Crl)

// 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.

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



To

1.The Managing Director,
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RK/PM(24/11/2021) 3P 3C