



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.01.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P. (MD)No.19995 of 2020

(Through Video Conference)

S.Shanmugam

... Petitioner

Vs

1.The Tamil Nadu State Transport Corporation
(Kumbakonam) Limited,
Rep. by its Managing Director,
Kumbakonam 612 001

2. The General Manager,
The Tamil Nadu State Transport Corporation
(Kumbakonam) Limited,
Trichy Region, Trichy-620 001.

3. The Administrator,
Tamil Nadu State Transport Corporation
Employees' Pension Fund Trust,
Thiruvalluvar House,
Anna 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 petitioner's pay and to pay difference in salary, difference in Gratuity, difference in Earned Leave Salary and 1998 Medical leave Salary and arrears of pension from April 2016 to October 2019, together with interest at the rate of 18% per annum in terms of 7th Pay Commission recommendations for revision of pay and 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.

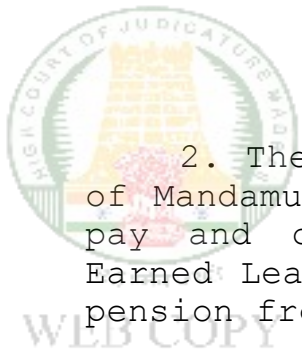
For Petitioner: Mr.D.Senthilkumar

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

For R3 : Mr.A.Swaminathan

O R D E R

Mr.D.Sivaraman, learned standing counsel takes 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



2. The prayer in this writ petition is for issuance of a Writ of Mandamus, directing the respondents to revise the petitioner's pay and consequently pay the difference in Salary, Gratuity, Earned Leave Salary and 1998 Medical leave Salary and arrears of pension from April 2016 to October 2019 together with interest.

3. 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.

4. 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.

5. 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. "

6. 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.

7. Accordingly, there shall be a direction to the respondents herein to consider the petitioner's representation, dated 21.11.2019, 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 respondents to consider it in accordance with law.



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

Sd/-

Assistant Registrar (AE)

WEB COPY

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/ /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,
The Tamil Nadu State Transport Corporation
(Kumbakonam) Limited, Trichy Region,
Trichy-620 001.
3. The Administrator,
Tamil Nadu State Transport Corporation
Employees' Pension Fund Trust,
Thiruvalluvar House,
Anna Salai, Chennai 600 002

+1 CC to Mr.D.SENTHIL KUMAR, Advocate (SR-337[F] dated 06/01/2021)

+1 CC to Mr.D.SIVARAMAN, Advocate (SR-316[F] dated 06/01/2021)

Order made in
W.P. (MD)No.19995 of 2020

Dated:
05.01.2021

KM (02.02.2021) 3P 6C