



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:24.03.2021

CORAM:

THE HONOURABLE **MR.JUSTICE M.DHANDAPANI**

W.P. (MD)No.4726 of 2016

and

W.M.P (MD)No.4269 of 2016

M.Dhanaraj

... Petitioner

Vs.

1.The Secretary to Government of Tamil Nadu
Transport Department & Chairman of
Transport Corporations,
Fort St. George,
Chennai-600 009.

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

3.The Tamil Nadu State Transport
Corporation (Madurai) Ltd.,
Rep by its Managing Director,
Bye-pass Road,
Madurai-16.

... Respondents

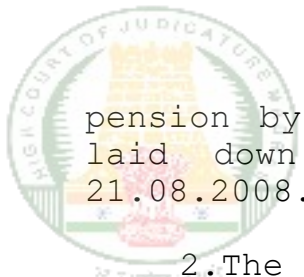
Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 and 2 to revise the pension of the petitioner by fixing his basic pension by implementing the 6th pay commission recommendations as laid down in G.O.(Ms)No.142 Transport (C1) Department, dated 21.08.2008.

For Petitioner	: Mr.A.Rahul
For R1	: Mr.M.Muthugeethayan Special Government Pleader
For R2	: Mr.A.Swaminathan
For R3	: Mr.J.Senthil Kumaraiah Standing Counsel

O R D E R

This Writ Petition is filed for a direction to the respondents 1 and 2 to revise the pension of the petitioner by fixing his basic

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pension by implementing the 6th pay commission recommendations, as laid down in G.O.(Ms)No.142 Transport (C1) Department, dated 21.08.2008.

2.The case of the petitioner is that he was joined as Junior Assistant on 21.09.1974 in the third respondent Corporation and thereafter, he was promoted as Assistant and then Superintendent on 01.09.2007. He was retired from service on 30.06.2008. After retirement, he was drawing pay as fixed by the 5th pay commission recommendations, which was implemented with effect from 01.01.2008 vide G.O.(Ms)No.142, Transport Department, dated 21.08.2008. Thereafter, the first respondent permitted the second respondent to revise the pension of retired Administrative Supervisory Staffs and retired Technical Supervisory Staffs by 15% with effect from 01.08.2015 vide G.O(Ms)No.127 Transport (E) Department, dated 13.11.2015. Therefore, the petitioner has made a representation, dated 26.02.2016 demanding that he should brought under the regime of 6th pay commission recommendations, as assured vide G.O(Ms)No.142 Transport (C1) Department, dated 21.08.2008. Since the petitioner's representation was not considered, the present writ petition is filed.

3.The learned counsel appearing for the petitioner submitted that this Court may issue a direction to the second respondent to consider the petitioner's representation dated 26.02.2016 within the reasonable time as fixed by this Court.

4.The learned Standing Counsel appearing for the second respondent has no serious objection for considering the petitioner's representation.

5.Considering the facts and circumstances of the case, this Court, without going into the merits of the case, directs the second respondent to consider the petitioner's representation, dated 26.02.2016, and pass appropriate orders on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.

6.With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (RTI ACT)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



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To

1.The Secretary to Government of Tamil Nadu
Transport Department & Chairman of
Transport Corporations,
Fort St. George,
Chennai-600 009.

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

3.The Managing Director,
The Tamil Nadu State Transport
Corporation (Madurai) Ltd.,
Bye-pass Road,
Madurai-16.

+1 CC to M/s.SPL GP (SR-13563[F] dated 25/03/2021)

+1 CC to M/s.A.RAHUL, Advocate (SR-13781[F] dated 25/03/2021)

W.P. (MD)No.4726 of 2016

and

W.M.P (MD)No.4269 of 2016

24.03.2021

GS (18.05.2021) 3P 6C