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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.04.2022

CORAM

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.10226 of 2021

T.Padmanaban

... Petitioner

Vs.

1.Tamil Nadu State Transport Corporation (Villupuram) Ltd  
represented by its Managing Director  
3/137, Salamedu  
Valudhareddy Post,  
Villupuram - 605 602.

2.Tamil Nadu State Transport Corporation (Villupuram) Ltd  
represented by the General Manager,  
Kancheepuram Regional Office,  
Karapettai,  
Chennai - Bengaluru Highway,  
Kancheepuram - 631 552.

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

... Respondents

PRAYER: This Writ Petition has been filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus to direct the respondents to reckon the calculation on the basis of the guidelines prescribed in G.O.Ms.No.303 Finance (Pay Cell) Department dated 11.10.2017 for the settlement of retiral benefits to the petitioner including Service Gratuity, Leave Salary and to make difference of amount payable to the petitioner with 12% interest from the date of retirement within a time limit.

For Petitioner: Mr.N.Ishak

For R1 & R2 : Mr.G.Saravana Kumar

For R3 : Mr.C.S.K.Sathish

O R D E R

The relief sought for in the writ petition to direct the respondents to reckon the calculation on the basis of the guidelines prescribed in G.O.Ms.No.303 Finance (Pay Cell) Department dated 11.10.2017 for the settlement of retiral



benefits to the petitioner including Service Gratuity, Leave Salary and commutation of pension and to make difference of amount payable to the petitioner with 12% interest from the date of retirement within a time limit.

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2. Brief facts of the case:

On 31.08.1988, the petitioner had joined as a Junior Assistant in the respondent's Transport Corporation and on reaching the age of superannuation, he retired from his services on 30.11.2017 as Senior Superintendent. While the petitioner was in service, his basic pay was fixed at Rs.52,500/- as on 01.04.2017 as per the provisions of 7<sup>th</sup> Pay Commission as stipulated in G.O.Ms.No.303 Finance (Pay Cell) Department dated 11.10.2017 with notional effect from 01.01.2016 and with monetary benefit from 01.10.2017. The relevant entries to that effect has also been made in the Service Register of the petitioner. Further, a sum of Rs.22,430/- being the arrears of pay for the month of October and November 2017, was paid to the petitioner after his retirement through Cheque No.500147, dated 27.07.2018. Though, the petitioner got his retirement on 30.11.2017 his service gratuity and leave salary were settled on 12.01.2018. Hence, the petitioner has made a representation on 27.02.2021 to the respondents, regarding the retirement benefits as per the 7<sup>th</sup> Pay Commission, but the same is pending till date.

3. The learned counsel for the petitioner would submit that similar matter has been decided by Hon'ble Division Bench of this Court in W.P.(MD).No.21205 of 2018 dated 23.10.2018 and relevant portions of the orders reads as follows:

"Admittedly, the benefits of 7<sup>th</sup> Pay Commission is not applicable to the workmen category and they are governed by Settlement and Award. In case, the benefits of 7<sup>th</sup> Pay Commission had already been granted to the in service candidates (Workmen Category), as stated by the petitioner, the same benefits shall be extended to the others. In my view, as the petitioner is coming under managerial category, the benefits of 7<sup>th</sup> pay Commission has got to be extended to the petitioner taking into account any cut-off date for granting the benefits. In case, the petitioner comes within the cut-off date, within a period of two months from the date of receipt of a copy of this order. The arrears shall be paid to the petitioner together with interest at 6% per annum."

Hence, he seeks for the same order may be passed in the present writ petition also.

4. Therefore, in the light of the aforesaid order, this Court is inclined to direct the respondents to consider the petitioner's representation dated 27.02.2021, in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.



5. Accordingly, this writ petition is disposed of in the light of the order passed in W.P.(MD).No.21205 of 2018 dated 23.10.2018. No costs.

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Sd/-  
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

Dua  
To

1.The Managing Director,  
Tamil Nadu State Transport Corporation (Villupuram) Ltd  
3/137, Salamedu, Valudhareddy Post,  
Villupuram - 605 602.

2.The General Manager,  
Tamil Nadu State Transport Corporation (Villupuram) Ltd  
Kancheepuram Regional Office,  
Karapettai, Chennai - Bengaluru Highway,  
Kancheepuram - 631 552.

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

+1 cc to Mr.G.Saravana kumar, Advocate Sr.NO. 22934

+1 cc to M/s.N.Ishak, Advocate Sr.NO.23308

+1 cc to Mr.C.S.K.Sathish, Advocate Sr.NO. 23108

W.P.No.10226 of 2021

ssv(CO)

A.SK(29/04/2022)