



W.P.No.6096 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.12.2022

CORAM:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

W.P.No.6096 of 2014

R.Rajendran

... Petitioner

Vs.

1.The Managing Director
Tamil Nadu State Transport
Corporation (Villupuram) Ltd
Kanchipuram Region
3\37 Salaimedu, Villupuram 605 602.

2.The Administrator
Tamil Nadu State Transport
Corporation Employees Pension Fund Trust
Pallavan Salai
Chennai 600 002.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents to pay 1) Commutation arrears 2) Difference in Gratuity 3) Leave Surrender arrears and 4) Pension arrears to the petitioner as per para 4 (B) iv of G.O.(Ms).No.63 dated 05.02.2010.



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For Petitioner : Mr.S.T.Varadarajulu
For Respondents : Mr.Aswin
Standing Counsel for R1 & R2

ORDER

This Writ Petition is filed for issuance of a Writ of Mandamus to direct the respondents to pay 1) Commutation arrears 2) Difference in Gratuity 3) Leave Surrender arrears and 4) Pension arrears to the petitioner as per para 4 (B) iv of G.O.(Ms).No.63 dated 05.02.2010.

2. It is the case of the petitioner that he was appointed as a Technical Supervisor in erstwhile Pallavan Transport Corporation (Metro) Ltd. Chennai and subsequently, transferred to erstwhile PTMGR Transport Corporation Ltd. Kancheepuram on 01.07.2022 as Assistant Engineer and on superannuation, he retired from the service on 30.06.2009 in the cadre of Selection grade Assistant Engineer. He served in the said post for more than 10 years.



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3. It is the grievance of the petitioner that at the time of retirement, settlement was effected based on the fifth pay commission. Though sixth pay commission came into effect from 17.06.2009 and his pension amount was revised, till date the pension arrears and gratuity arrears as per VI Pay Commission are not paid in respect of his designation in the special grade.

4. The learned counsel for the petitioner submitted that in spite of repeated reminders, the respondents have not paid the pension arrears and other consequential benefits. Hence, the present Writ Petition.

5. The learned Standing Counsel appearing for the respondents by producing G.O.142, dated 21.08.2008 submitted that the Government has issued the said G.O. for implementing VI Pay Commission to the Transport employees also. Hence, the petitioner may also be granted the above benefits.



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6. It is seen that the petitioner is an employee of Transport Department and he retired from the Department as an Assistant Engineer on 30.06.2009. Though he was settled with pensionary benefits, the same was not effected based on his revised scale of pay. Today, the learned Standing Counsel by producing G.O.142, dated 21.08.2008 fairly submitted that the petitioner is entitled for the retirement benefits as per the VI Pay Commission.

7. In view of the above, this Court directs the respondents to pay the 1) Commutation Arrears, 2) Difference in Gratuity, 3) Leave Surrender Arrears and 4) Pension Arrears as per the G.O.(Ms).No.142 dated 21.08.2008, within a period of 8 weeks from the date of receipt of a copy of this order.

8. With the above directions, this Writ Petition is disposed of.

No costs.

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Index : Yes / No
Internet : Yes / No
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To

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