



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.01.2022

CORAM :

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

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W.P(MD).No.15682 of 2016

J.R.Balan

... Petitioner

Vs.

1.The Secretary to Government,
Transport Department and the Chairman
of all State Transport Corporations,
Chennai-600 009.

2.The Managing Director,
The Tamil Nadu State Transport
Corporation (Madurai) Limited,
Bye Pass Road,
Madurai.

3.The Administrator,
The Tamilnadu State Transport
Corporation Employees Pension Fund Trust,
Thiruvallur House,
Pallanvan Salai,
Chennai-600002.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus, directing the respondents to implement the G.O.(Ms.)No.146, dated 30.11.2015 by redesignating the petitioner as a selection Grade Superintendent so as to enable him to receive the Selection Grade Superintendent's time scale of pay of Rs.7500-250-12500 with effect from 01.01.2008 and the revised scale of pay (as per 6th pay commission) of Rs.9300-34800+Grade Pay of Rs.4900/- with effect from 17.06.2009 and to revise the pension and retirement benefits and to pay the consequential and monetary benefits with effect from 01.04.2015.

For Petitioner : No Appearance
For R1 : Mr.J.K.JAYASELAN, Advocate
Government Advocate(Civil Side)
For R2 : Mr.J.SENTHIL KUMARIAH, Advocate
For R3 : No Appearance

O R D E R

The petitioner is seeking benefits of G.O.Ms.No.146, Transport (C) Department dated 30.11.2015 by redesignating the petitioner as Selection Grade Superintendent. The petitioner entered the



respondent's transport corporation service as Junior Assistant on 20.12.1980 and the petitioner was promoted as Assistant on 01.02.1987, then Senior Assistant on 01.05.1995 then, selection Grade Assistant on 01.05.2005 then promoted as Superintendent on 20.03.2010 then promoted as Senior Superintendent on 21.04.2015. The petitioner retired from service on 31.08.2015 on attaining superannuation.

2.The petitioner is seeking the benefit of G.O.Ms.No.146 and the relevant portion is culled out hereunder:

"The administrative supervisory cadre employee who have been promoted as Superintendent from Selection Grade Assistant/ Special Grade Assistant cadre and who have rendered not less than 10 years service in the feeder post viz. Senior Assistant i.e 14 years (up-to Senior Assistant Cadre) + 10 (in the Senior Assistant Cadre) totally 24 years before getting themselves considered for promotion to the post of superintendent cadre may be re designated as Selection Grade Superintendent so as to enable them to receive the selection grade superintendents time scale of pay of Rs.7500-250-12500 w.e.f. 01.01.2008 and the revised scale of pay (as per the 6th pay commission) of Rs.9300-34800+Grade Pay Rs.4900 w.e.f.17.06.2009 (i.e.the date of issue of G.O.(Ms)No.250, Finance (BPE) Department dated 17.06.2009) However the monetary benefit shall be given w.e.f. 01.04.2015 duly taking into consideration the severe financial crisis being faced by all STU s and the continuous losses incurred by them over several years".

"Such benefit may be given with effect from 01.01.2008 notionally and the monetary benefit may be allowed w.e.f. 01.04.2015. Pension in respect of all those who have retired after 01.01.2008 may suitably be revised and the monetary benefit may be allowed w.e.f.01.04.2015 and the question of payment of arrears will not arise."

3.The respondents stated as per G.O.Ms.No.146 dated 30.11.2015, the petitioner was redesignated as selection grade superintendent with effect from 20.03.2010 and subsequently from 21.04.2015 as Senior Superintendent. As per the above G.O. the persons are entitled to get monetary benefits with effect from 01.04.2015 to 31.08.2015. However, the petitioner is seeking the monetary benefits with effect from 01.01.2008.



4. Therefore, the petitioner cannot claim benefit of selection grade superintendent with effect from 01.04.2008. Therefore, regarding the counter affidavit, the Writ Petition is dismissed. No costs.

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Sd/-
Assistant Registrar (CS-I)

// True Copy //

/ /2022
Sub Assistant Registrar(CS)

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

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Transport Department and the Chairman
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+1CC to Spl. Government Pleader SR.No.2015

W.P (MD) No.15682 of 2016
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(2/6)

SA (25.02.2022) 3P 5c