



W.P(MD)No.17168 of 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.08.2022

CORAM

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

W.P(MD)No.17168 of 2016

S.Berkmans

... Petitioner

Vs

1.The Managing Director,
Tamil Nadu State Transport Corporation,
Tirunelveli.

2.The General Manager,
Tamil Nadu State Transport Corporation,
Ranithottam, Nagercoil,
Kanniyakumari District.

3.The Administrator,
Tamil Nadu State Transport Pension Trust,
Pallavan Salai,
Chennai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Mandamus, directing the respondents to pay monthly pension and arrears of salary to the petitioner on par with the petitioner's junior S.Narayana Pillai, bearing EDP No.6375 and all other attendant and monetary benefits.



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For Petitioner : Mr.S.Sivakumar
For Respondents : Mr.K.Sathiya Singh

ORDER

This Writ Petition is filed for issuance of a Writ of Mandamus, directing the respondents to pay monthly pension and arrears of salary to the petitioner on par with the petitioner's junior S.Narayana Pillai, bearing EDP No.6375 and all other attendant and monetary benefits.

2. Learned counsel appearing for the petitioner submitted that the petitioner joined as Conductor in the second respondent Corporation on 26.06.1980. His service was regularized with effect from 01.08.1981. Later, he was promoted as Checking Inspector in the year 2009 and Traffic Inspector in the year 2012. He retired from service on attaining the age of superannuation on 31.05.2013. The second respondent issued an office order bearing No. 0001/A2/TNSTC(TNV)/NGL/2015-1, dated 07.03.2015 for 4th review to Checking Inspectors (retired) with an annexure. On going through this, the petitioner found that his junior S.Narayana Pillai was paid more salary and pension than him. Therefore, he filed this



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Writ Petition for monthly pension on par with his junior S.Narayana Pillai and arrears of salary etc.

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3. Per contra, learned counsel appearing for the respondents submitted that the petitioner had not raised the issue of disparity in pay when he was in service. The petitioner filed this Writ Petition after his retirement on 31.05.2013 and that is not permissible and therefore, he prayed for dismissal of the petitioner's claim.

4. Considered the rival submissions and perused the records.

5. Perusal of the records produced in this case shows that the petitioner was appointed as Conductor on 19.06.1980 through the proceedings of Kattabomman Transport Corporation Limited, Nagercoil in No.03003/A2/KTC/80, dated 19.06.1980. Tamil Nadu State Transport Corporation (Tirunelveli) Limited, Nagercoil Region issued an office order in No.0001/A2/TNSTC(TNV)/NGL/2015-1, dated 07.03.2015 with regard to senior Checking Inspectors (retired) in the matter of 4th review for completion of 29 years of qualifying service. The annexure to this order has the details of the



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petitioner and one S.Narayana Pillai. As per this annexure, the petitioner completed 29 years of qualifying service on 01.02.2011, whereas S.Narayana Pillai completed 29 years of qualifying service on 01.11.2011. This annexure also indicates that the petitioner's pay was fixed in the pay band of Rs.12,240/- + 2,600/- G.P. On the other hand, S.Narayana Pillai's pay was fixed in the pay band of Rs. 13,140/- + 2,600/- G.P.

6. Thus, it is plain and clear that the petitioner's junior was paid more than the petitioner. Obviously, the pay and pension paid to the petitioner should also be paid on par with his junior S.Narayana Pillai, who completed 29 years of qualifying service, later than the petitioner. There is no justification for paying reduced pay and pension to the petitioner. Thus, this Court is of the considered view that the petitioner is entitled to pay and pensionary benefits on par with his junior S.Narayana Pillai.

7. In this view of the matter, this Writ Petition is allowed and the respondents are directed to pay monthly pension and arrears of salary to the petitioner on par with his junior S.Narayana Pillai, bearing EDP No.6375 and all other attendant and monetary



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benefits. The said exercise shall be completed within a period of three months from the date of receipt of a copy of this order. There shall be no order as to costs.

22.08.2022

Internet :Yes
Index :Yes / No
ps

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,
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Tirunelveli.
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G.CHANDRASEKHARAN, J.

ps

Order made in
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22.08.2022