



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.02.2022

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P. (MD) .No.2814 of 2016

and

W.M.P. (MD) .No.2490 of 2016

P.Thanga Marimuthu

... Petitioner

Vs.

1.The Managing Director,
Tamil Nadu State Transport Corporation Limited,
Madurai Division,
18, Bye Pass Road,
Madurai - 10.

2.The General Manager,
Tamil Nadu State Transport Corporation Limited,
Bye Pass Road,
Madurai - 10.

3.The Assistant Manager (Admin),
Tamil Nadu State Transport Corporation Limited,
Madurai Division - I,
Madurai District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order passed by the second respondent in his proceedings in ghh;it:kJiu/rl;lk;/W.P.No.20509 of 2013 dated 19.04.2014 and quash the same as illegal and consequently to direct the respondents to pay conveyance allowance of Rs.1000 per month to the petitioner from 25.03.2006 to June 2012 in the light of G.O.Ms.No.667 Finance (Pay Commission) Department dated 27.06.1989 and in the light of circular issued by the first respondent in his proceedings Ref: HRD/ADMN/CA2/1542/2010-1 dated 05.08.2011 within the period that may be stipulated by this Court.

For Petitioner

: Mr.A.Nawaz Khan,
For Ajmal Associates.

For Respondents

: Mr.N.Rajasekar,
For Mr.J.Senthil Kumaraiah.



ORDER

This Writ Petition has been filed to quash the impugned order dated 19.04.2014 and consequently direct the respondents to pay allowance of Rs.1000/- per month to the petitioner from 25.03.2006 to June 2012 in the light of G.O.Ms.No.667 Finance (Pay Commission) Department dated 27.06.1989 in the light of the circular of the first respondent dated 05.08.2011. Admittedly, the petitioner is a disable person with 80% disability.

2. Heard Mr.A.Nawaz Khan, learned counsel for the petitioner and Mr.N.Rajasekar, learned counsel for the respondents.

3. The contention of the petitioner and the respondents is that the petitioner was already paid the disability allowance from July 2012 onwards. The claim of the petitioner is he is eligible for such an allowance from 23.03.2006 onwards, but the contention of the respondent is he is eligible from July 2012 onwards, since the petitioner was examined by the Medical Board and certified the disability in the year 2012. Therefore, the contention of the respondents is he is eligible from 2012 onwards.

4. On perusing the entire records including G.O.Ms.No.667 and the circular of the respondents, both the petitioner as well as the respondents have misinterpreted the GO and Circular. The G.O.Ms.No.667 is passed by the State Government and the said Government Order is applicable only to the Government employees. The State Transport Corporation has a separate service rules and any Government Order if it is passed, the same should be adopted by the Corporation through Board of Directors.

5. In the present case, the respondents have adopted the said Government Order through circular No Reference HRD / ADMN / CA2 / 1542 / 2010 -1 dated 05.08.2011. In the said circular, under Reference Serial No. 6, Minutes of 219th Board Meeting held on 24.06.2011, the Government Order 667 was adopted. In the Reference Serial No.2, Government Letter No. 1494 / BPE / 93-1 dated 14.09.1993, it has been directed to extend the benefits to the employees of the Public Sector Undertakings / Boards from the date of adoption of the Government Order by the Board of Directors. In the present case, through the said meeting dated 24.06.2011, the Board of Directors had adopted the G.O.Ms.No.667. Therefore, the correct cut off date is 24.06.2011.

6. Therefore, this Court is of the considered view that the petitioner is entitled to the allowance of Rs.1000 from 24.06.2011. The respondents are directed to pay the allowance from the said date. The petitioner contends that he has filed the disability certificate from 2006 onwards and he was entitled from 2006. The said contention is rejected. Even though the certificate is issued from 2006 onwards the entitlement arises from the date when the employer has resolved to grant the benefits or when the government



issues government order. In this Case as stated supra the Corporation is liable to pay when the Board of Directors resolves to adopt the said government order. In this case the cut off date is 24.06.2011. The respondents are directed to pay the arrears from 24.06.2011 to June 2012.

7. With the above direction, this Writ Petition is disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Deputy Registrar (A/C's)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

Nsr

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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18, Bye Pass Road, Madurai - 10.

2.The General Manager,
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3.The Assistant Manager (Admin),
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+1 CC to M/s.AJMAL ASSOCIATES, Advocate (SR-7980[F] dated 23/02/2022)

W.P. (MD) .No.2814 of 2016
22.02.2022

SJ(CO)
KB(21.03.2022) 3P 5C