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W.P.Nos.1823 to 1827 of 2013

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.07.2023

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.Nos.1823 to 1827 of 2013 and
MP.Nos.1 & 2 of 2013, 2,2,2,2,3,3,3 & 3 of 2013

WP.No.1823 of 2013

H.Krishnamurthy

... Petitioner

Vs.

1.The Secretary,
Transport Department,
Fort St.George,
Chennai 600 009

2.The General Manager,
Tamilnadu State Transport Corporation Ltd.,
(Tirunelveli Ltd), Tirunelveli Region-I

3.The Managing Director,
Tamilnadu State Transport Corporation Ltd.,
Thirunelveli

4.The Administrator,
TNSTC Employees Pension Funds Trust,
SETC Campus, Pallavan Salai,
Chennai 600 002

... Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India praying to issue a writ of certiorarified mandamus calling for the records of the fourth respondent made letter No.26/P2/TNSTC EPFT/2012 – 707 dated 24.09.2012 and quash the same and



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consequently direct the third respondent not to reduce the scale of pension already drawn by the petitioner.

For Petitioner : No appearance

For Respondents

For R1 : Mr.M.P.Murugan Raja,
Government Advocate

For R2 & 3 : Mr.R.Babu,
Standing Counsel

For R4 : Mr.C.S.K.Sathish,
Standing Counsel

WP.No.1824 of 2013

S.V.Akinimuthu

... Petitioner

Vs.

1.The Secretary,
Transport Department,
Fort St.George,
Chennai 600 009

2.The General Manager,
Tamilnadu State Transport Corporation Ltd.,
(Tirunelveli Ltd), Tirunelveli Region-I

3.The Managing Director,
Tamilnadu State Transport Corporation Ltd.,
Thirunelveli

4.The Administrator,
TNSTC Employees Pension Funds Trust,
SETC Campus, Pallavan Salai,
Chennai 600 002

... Respondents



W.P.Nos.1823 to 1827 of 2013

PRAYER: Writ Petition is filed under Article 226 of Constitution of India praying to issue a writ of certiorarified mandamus calling for the records of the fourth respondent made letter No.26/P2/TNSTC EPFT/2012 – 707 dated 24.09.2012 and quash the same and consequently direct the third respondent not to reduce the scale of pension already drawn by the petitioner.

For Petitioner : No appearance

For Respondents

For R1 : Mr.M.P.Murugan Raja,
Government Advocate

For R2 & 3 : Mr.R.Babu,
Standing Counsel

For R4 : Mr.C.S.K.Sathish,
Standing Counsel

WP.No.1825 of 2013

N.Shanmugam

... Petitioner

Vs.

- 1.The Secretary,
Transport Department,
Fort St.George,
Chennai 600 009
- 2.The General Manager,
Tamilnadu State Transport Corporation Ltd.,
(Tirunelveli Ltd), Tirunelveli Region-I
- 3.The Managing Director,
Tamilnadu State Transport Corporation Ltd.,
Thirunelveli



W.P.Nos.1823 to 1827 of 2013

4.The Administrator,
TNSTC Employees Pension Funds Trust,
SETC Campus, Pallavan Salai,
Chennai 600 002

... Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India praying to issue a writ of certiorarified mandamus calling for the records of the fourth respondent made letter No.26/P2/TNSTC EPFT/2012 – 707 dated 24.09.2012 and quash the same and consequently direct the third respondent not to reduce the scale of pension already drawn by the petitioner.

For Petitioner : No appearance

For Respondents

For R1 : Mr.M.P.Murugan Raja,
Government Advocate

For R2 & 3 : Mr.R.Babu,
Standing Counsel

For R4 : Mr.C.S.K.Sathish,
Standing Counsel

WP.No.1826 of 2013

R.Thirumalaiappan

... Petitioner

Vs.

1.The Secretary,
Transport Department,
Fort St.George,
Chennai 600 009



W.P.Nos.1823 to 1827 of 2013

- 2.The General Manager,
Tamilnadu State Transport Corporation Ltd.,
(Tirunelveli Ltd), Tirunelveli Region-I
3.The Managing Director,
Tamilnadu State Transport Corporation Ltd.,
Thirunelveli
4.The Administrator,
TNSTC Employees Pension Funds Trust,
SETC Campus, Pallavan Salai,
Chennai 600 002

... Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India praying to issue a writ of certiorarified mandamus calling for the records of the fourth respondent made letter No.26/P2/TNSTC EPFT/2012 – 707 dated 24.09.2012 and quash the same and consequently direct the third respondent not to reduce the scale of pension already drawn by the petitioner.

For Petitioner : No appearance

For Respondents

For R1 : Mr.M.P.Murugan Raja,
Government Advocate

For R2 & 3 : Mr.R.Babu,
Standing Counsel

For R4 : Mr.C.S.K.Sathish,
Standing Counsel

WP.No.1827 of 2013



W.P.Nos.1823 to 1827 of 2013

1.P.Meenakshisundaram(deceased)
2.M.Visalatchi
3.M.Paramasivan
4.M.Gnanam
(petitioners 2 to 4 impleaded vide court
order dated 20.07.2023 in MP.No.4 of 2013
in WP.No.1827 of 2013)

... Petitioners

Vs.

1.The Secretary,
Transport Department,
Fort St.George,
Chennai 600 009
2.The General Manager,
Tamilnadu State Transport Corporation Ltd.,
(Tirunelveli Ltd), Tirunelveli Region-I
3.The Managing Director,
Tamilnadu State Transport Corporation Ltd.,
Thirunelveli
4.The Administrator,
TNSTC Employees Pension Funds Trust,
SETC Campus, Pallavan Salai,
Chennai 600 002

... Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India praying to issue a writ of certiorarified mandamus calling for the records of the fourth respondent made letter No.26/P2/TNSTC EPFT/2012 – 707 dated 24.09.2012 and quash the same and consequently direct the fourth respondent to revision the petitioner's pension according to the Government Orders / letters referred in the affidavit and pay the arrears of pension.

For Petitioners : No appearance



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For Respondents

For R1 : Mr.M.P.Murugan Raja,
Government Advocate

For R2 & 3 : Mr.R.Babu,
Standing Counsel

For R4 : Mr.C.S.K.Sathish,
Standing Counsel

COMMON ORDER

These writ petitions have been filed challenging the intercommunication between the fourth respondent and the Financial Advisor and Chief Accounts Officer, Metropolitan Transport corporation Limited.

2. The petitioners were originally appointed as Junior Assistant in the third respondent Corporation and thereafter they were promoted to the post of Assistant, Senior Assistant and Special Grade Assistant. Finally, they were promoted as Superintendent and they were retired from service as early as on 31.01.2008, 31.07.2008, 30.04.2009, 31.05.2008 and 31.05.2009 respectively. The following are the details of their date of



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joining, date of superannuation and pension drawn:

Name	Date of joining	Date of superannuation	Details of pension drawn	Details of the reduction of the pension
H.Krishnamoorthy	9.07.1977	31.01.2008	5250/-	4388/-
P.Meenakshisundaram	15.03.74	31.07.2008	5025/-	5025/-
N.Shunmugam	21.03.81	30.04.2009	4877/-	4540/-
A.Thirumalaiappan	15.03.74	31.05.2008	5813/-	5025/-
S.Akkinimuthu	15.03.74	31.05.2009	4877/-	4540/-

3. As per GO.Ms.No.142 Transport (C1) Department dated 21.08.2008, their salary was fixed on par with Government Employees for the post of Superintendents working in various Transport Corporations with effect from 01.01.2008. As per GO.Ms.No.234 Finance(Pay Cell) Department dated 01.06.2009, Sixth Pay Commission was implemented with effect from 17.06.2009. Therefore, all were seeking not to reduce the scale of pension already drawn by the petitioners as per the intercommunication between the fourth respondent and Financial Advisor and Chief Accounts Officer, Metropolitan



4. On perusal of counter filed on behalf of second and third respondents, revealed that the petitioners belong to Administrative Supervisory category. In respect of administrative category virtue of 12 (3) settlement, the said category were permitted to draw scale on par with the Government Servant. They were permitted to draw the above scale by the GO.Ms.No.142 Transport (C1) Department dated 21.08.2008. Subsequently, GO.Ms.No.234 Finance(Pay Cell) Department dated 01.06.2009 was passed thereby refixing pay scale of Government employees based on the recommendations of the Sixth Pay Commission. Accordingly, pay and allowances of the Managerial and Supervisory staff of the Transport Corporation are refixed as per the recommendations of the Sixth Pay Commission. Virtue of the revisions, Technical / Administrative Supervisors who were on the roles on 17.06.2009 were granted the benefits and their pay scales were upgraded. Though the petitioner are covered under the Sixth Pay commission which came into effect from 01.01.2008, they have left their service prior to the date of



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implementation of the Sixth Pay Commission. That apart, the said Government order has given effect to the Sixth Pay Commission only from 17.06.2009. Therefore, the petitioners are not entitled to get the revised pay and allowances as per Sixth Pay Commission. Therefore there is no apprehension that the third respondent intended to reduce the scale of pension already drawn by the petitioner.

5. In view of the above, the writ petitions are devoid of merits. Accordingly, all the writ petitions are dismissed. Consequently, connected miscellaneous petitions are closed. There shall be no order as to costs.

20.07.2023
(2/2)

Internet: Yes
Index: Yes/No
Speaking/Non-speaking order
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G.K.ILANTHIRAIYAN, J.

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To

- 1.The Secretary,
Transport Department,
Fort St.George,
Chennai 600 009
- 2.The General Manager,
Tamilnadu State Transport Corporation Ltd.,
(Tirunelveli Ltd), Tirunelveli Region-I
- 3.The Managing Director,
Tamilnadu State Transport Corporation Ltd.,
Thirunelveli
- 4.The Administrator,
TNSTC Employees Pension Funds Trust,
SETC Campus, Pallavan Salai,
Chennai 600 002
5. The Public Prosecutor,
High Court, Madras.

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