



W.P.Nos.21329 to 21333 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.09.2023

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THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.Nos.21329 to 21333 of 2015

W.P.No.21329 of 2015

N.Shanmugam

... Petitioner

Vs

1. The Administrator,
Tamil Nadu State Transport Corporation,
Employees Pension Fund Trust,
Thiruvalluvar Illam,
Pallavan Salai,
Chennai – 600002.

2. The Managing Director,
Tamil Nadu State Transport Corporation
(Coimbatore) Division,
37, Mettupalayam Road,
Coimbatore – 641043.

3. The General Manager,
Tamil Nadu State Transport Corporation
(Coimbatore) Ltd.,
Erode Region,
Erode – 638001.

... Respondents



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Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records connected with the order dated 07.03.2015 passed by the first respondent in Lr.No.44/P2/TNSTCEPFT/2015-1407 rejecting the claim of the petitioner for enhancement of pension, quash the same and also direct the respondents to re-fix and revise the petitioner's pay under scale of pay of Rs.7,500-250-12,000/- from Rs.6,500-200-10,500 with notional effect from 01.01.2008 and consequently enhance the pension, with monetary effect taking effect from 17.06.2009 on par with serving personnel as per the guidelines and clarification issued by the Government in Transport Department in its letter No.7481/C1/2010-4 dated 31.08.2010.

For Petitioner
in all W.Ps : Ms.S.Girija

For Respondents
in all W.Ps : Mr.C.S.K.Sathish,
Standing Counsel (for R1)

Mr.A.Sundaravadanam,
Standing Counsel (for R2 & R3)

COMMON ORDER



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W.P.Nos. 21329 and 21330 of 2015 have been filed to quash the order dated 07.03.2015 in Lr.No.44/P2/TNSTCEPFT/2015-1407, 1406 passed by the first respondent rejecting the claim of the petitioner for enhancement of pension and also direct the respondents to re-fix and revise the petitioner's pay under scale of pay of Rs.7,500-250-12,000/- from Rs.6,500-200-10,500 with notional effect from 01.01.2008 and consequently enhance the pension, with monetary effect taking effect from 17.06.2009 on par with serving personnel as per the guidelines and clarification issued by the Government in Transport Department in its letter No.7481/C1/2010-4 dated 31.08.2010.

2. W.P.Nos.21331 to 21333 of 2015 have been filed to direct the respondents to re-fix and revise their scale of pay of Rs.7,500-250-12,000 from Rs.6,500-200-10,500 with notional effect from 01.01.2008.

3. The petitioners have retired from service of the respondents from the post of Junior Assistant, Assistant, Selection Grade Assistant,



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Superintendent and Senior Superintendent. In pursuant to G.O.Ms.142, Transport (C1) Department, dated 21.05.2005, thereby bringing the Technical and Administration of State Transport Undertakings to Government pattern of Scales of pay and the petitioners' scale of pay had been re-fixed in the scale of Rs.6500-200-10500 with effect from 01.01.2008. As per G.O.Ms.No.63, Transport (D) Department, dated 05.02.2010, orders were issued implementing the revised pay scale to the Officers and Technical/Administrative Supervisory Employees of State Transport Undertaking inconsequent to the new pay scales implemented to the Government Servants as per G.O.Ms.No.234, Finance (Pay Cell) Department, dated 01.06.2009. Accordingly, the Transport Department had issued guidelines in its Letter dated 31.08.2010. Therefore, the petitioners are also seeking revised scale of pay, in which the petitioners in W.P.Nos. 21329 and 21330 of 2015 submitted request, which were rejected.

4. On a perusal of the Government Letter dated 31.08.2010, it is very clear that though the Technical/Administrative Supervisory employees of State Transport Undertakings have been brought into Government pattern



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of scale with effect from 01.01.2008 as per the orders issued in G.O.(Rt) No.142, Transport Department, dated 21.08.2008 yet, the revised pay scales (notified in G.OMs.No.250/Finance (BPE) Department, dated 17.06.2009) have been given effect to them from 17.06.2009. It was further clarified that the pre-revised scales of pay of Rs.7000-11500 and 7500-1200 are notionally allowed to Administrative Supervisory employees, viz., Superintendents and Senior Superintendents from 01.01.2008 to 16.06.2009 without monetary benefits and then the revised scale of pay of Rs.9300-34800+ Grade pay of Rs.4800 and Rs.4900 respectively are allowed to them on 17.06.2009. Further, the monetary effect of Pay Commission has been given to this category of staff only with effect from 17.06.2009 and there will be no question of payment of arrears. Therefore, the petitioners are not entitled that relief sought for in these Writ Petitions. As such, the first respondent rightly rejected the request of the petitioners in W.P.Nos. 21329 and 21330 of 2015. Accordingly, all these Writ Petitions are devoid of merits.



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5. In the result, these Writ Petitions are dismissed. No costs.

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Index:Yes/No
Neutral Citation/Yes/No
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