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W.P. No. 7951 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.04.2023

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THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 7951 of 2023

G.Vedi

... Petitioner

-VS-

1. The Additional Chief Secretary,
Transport Department,
Fort St. George,
Chennai – 600009.
2. The Managing Director,
Tamil Nadu State Transport Corporation (Villupuram) Limited,
Villupuram.
3. The Administrator,
Tamil Nadu State Transport Corporation Employees Pension
Fund Trust/Post Retirement Benefit Fund,
Thiruvalluvar House, Pallavan Salai,
Chennai – 600002.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus, to direct the Respondents to recalculate the terminal benefits based on the revision of the pay scale effected to the Petitioner in pursuance to the recommendation of the 7th pay commission and to direct the Respondents to pay the arrears of pension, differential terminal benefits from the date of retirement, along with the wages for the period from 21.06.2016 till 30.06.2016 which would be appropriate along with the interest at the rate of 18% per annum.



W.P. No. 7951 of 2023

WEB COPY

For Petitioner : Mr. P.Pramasiva Doss

For Respondents : Mr. N.Naveenkumar,
Government Advocate (for R1)

Mr. R.Venkatesh Perumal (for R2)

Mr. C.S.K.Sathish (for R3)

ORDER

Heard Mr. P.Pramasiva Doss, Learned Counsel for the Petitioner, Mr. N.Naveenkumar Government Advocate appearing for the First Respondent, Mr. R.Venkatesh Perumal, Learned Counsel for the Second Respondent and Mr. C.S.K.Sathish, Learned Counsel for the Third Respondent and perused the materials placed on record, apart from the pleadings of the parties.

2. The Writ Petition has been for directing the Respondents to re-calculate the terminal benefits based on the revision of the pay scale effected to the Petitioner in furtherance to the recommendation of the VII Pay Commission and to consequently direct the Respondents to pay the arrears of pension, differential terminal benefits from the date of retirement along with the wages for the period from 21.06.2016 to 30.06.2016, which would be appropriate



W.P. No. 7951 of 2023

along with the interest at the rate of 18% per annum, Learned Counsel for the Petitioner submits that the Petitioner would be satisfied, if the representation dated 04.10.2021 made by him in that regard is directed to be disposed by the concerned authority within the time limit that may be fixed by the Court.

3. Having regard to the limited scope of the relief sought in the Writ Petition, this Court without expressing any view on the merits of controversy involved, passes the following order:-

- (i) the concerned authority shall immediately examine the representation dated 04.10.2021 made by the Petitioner including ascertaining as to whether the Petitioner would be entitled for the relief claimed;
- (ii) if it is found that any other details or supporting documents is necessary, the deficiencies in that regard shall be informed in writing to the Petitioner requiring the same to be furnished within a time frame of not less than 15 days for the same;
- (iii) in the event of not being satisfied with the requirements even thereafter, an enquiry shall be conducted affording full opportunity of personal hearing to the Petitioner and all other persons concerned to explain their position in that regard;



W.P. No. 7951 of 2023

(iv) a reasoned order shall be passed dealing with each of the contentions

raised on merits and in accordance with law and the decision taken communicated by 31.08.2023 under written acknowledgment;

(v) if the Petitioner is found entitled to any monetary benefits, the same shall be paid along with working-sheet showing its calculation within a period of three months from the date of passing of that order; and

(vi) the report of such compliance shall be filed before the Registrar (Judicial) of this Court.

In the result, the Writ Petition is disposed on the aforesaid terms. No costs.

21.04.2023

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Index: Yes/No

Note: Issue order copy by 06.06.2023.

To

1. The Additional Chief Secretary,
Transport Department,
Fort St. George,
Chennai – 600009.



W.P. No. 7951 of 2023

2. The Managing Director,
Tamil Nadu State Transport Corporation (Villupuram) Limited,
Villupuram.

3. The Administrator,
Tamil Nadu State Transport Corporation Employees Pension
Fund Trust/Post Retirement Benefit Fund,
Thiruvalluvar House, Pallavan Salai,
Chennai – 600002.

Copy to

The Registrar (Judicial),
Madras High Court,
Chennai – 600 104.



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W.P. No. 7951 of 2023

P.D. AUDIKESAVALU, J.

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W.P. No. 7951 of 2023

21.04.2023