



WEB COPY

W.P.No.11511 of 2020



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.10.2023

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.No.11511 of 2020

S.Kamaraj

...

Petitioner

versus

- 1.The State of Tamil Nadu
Rep. by its Secretary to Government,
Transport Department,
Secretariat,
Chennai - 600 009.
- 2.The General Manager,
Tamil Nadu State
Transport Corporation (Ltd).,
Villupuram District.
- 3.The Administrator,
Tamil Nadu State Transport Employees
Pension Fund Trust,
No.2, Thiruvalluvar Illam,
Pallavan Salai,
Chennai - 600 002.

...

Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondents to consider the claims of the petitioner for granting revised 13th Pay Commission settlement and pension arrears and also commutation of pension as per the



Pension Rules and grant commutation of pension to the petitioner with all benefits based on the petitioner's representation dated 01.11.2019.

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For Petitioner : Mr.K.Sannjay

For Respondent No.1 : Mr.T.Arunkumar
Government Advocate

For Respondent No.2 : M/s.S.Pavithra
Standing Counsel for TNSTC

ORDER

The petitioner has filed this petition seeking for a writ of mandamus, directing the respondents to consider his claims for granting revised 13th Pay Commission settlement and pension arrears and also commutation of pension as per the Pension Rules and also grant commutation of pension to him with all benefits based on his representation dated 01.11.2019.

2. Heard the learned counsels for the petitioner and the second respondent and the learned Government Advocate for the first respondent and perused the materials available on record.

3. The petitioner who was working as a driver in the second respondent Transport Corporation has retired from service on 31.03.2017.



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The grievance of the petitioner is that he is entitled to get the monetary benefits also pertaining to the pension under the 13th Pay Commission Settlement with effect from 01.09.2016. But he has been given with the monetary benefits from 01.01.2019.

4. The counter of the respondents 1 and 2 has been filed and perused. The third respondent is a formal party.

5. The learned Government Advocate for the first respondent and the learned Standing Counsel for the second respondent submitted that as per G.O.(Ms)No.142, dated 26.08.2019, the petitioner is not entitled to get any arrears of pension from 01.09.2016 and he is entitled to revision of pension only with effect from 26.08.2019.

6. However the representation given by the petitioner has not been considered and no order has been passed by the respondents 1 and 2 so far. Hence, the respondents 1 and 2 are directed to consider the representation of the petitioner dated 01.11.2019, after affording an opportunity of personal hearing to the petitioner and pass appropriate orders, on merits and in



accordance with law, within a period of four (4) weeks from the date of receipt of a copy of this order.

7. With these observations, this Writ Petition stands disposed of.

No costs.

03.10.2023

Speaking order / Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

sri

To

- 1.The State of Tamil Nadu
Rep. by its Secretary to Government,
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R.N.MANJULA, J.

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