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W.P.No.19650 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.03.2023

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THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.No.19650 of 2017

V.N. Sivaraman

... Petitioner

Vs.

M/s. State Express Transport Corporation Ltd.,
Rep. by its Managing Director,
No.2, Pallavan Salai,
Chennai – 600 002.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondent to revise the pension with the following calculation of $41450 \times 15/26 \times 34$ and also revise the commutation and leave salary and pay the consequential arrears with interest at the rate of 6% per annum taking into consideration of the petitioner's representation dated 31.12.2016.

For Petitioner : Mr.D. Soundar Raj

For Respondent : Mr.K. Kathiresan



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ORDER

The petitioner seeks for a direction to the respondent to revise his pension by increasing the Grade Pay from Rs.200/- to Rs.350/-.

2. The respondent in their additional counter-affidavit, have stated that since the petitioner was not qualified in SSLC, he is not eligible to receive such increase.

3. The claim of the petitioner is based on G.O.(Ms).No.81, Transport (C1) Department, dated 16.09.2016. A perusal of the Government Order reveals that only two conditions are required for increase of the Grade Pay and qualification of SSLC is not a prescribed condition for grant of the increase in the Grade Pay from Rs.200/- to Rs.350/-. While that being so, the very basis of denying the claim of the petitioner herein by the respondent, is illegal. Consequently, the petitioner would be entitled for the increase in the Grade Pay and consequential revision of his pensionary benefits.



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4. In this background, the petitioner is granted liberty to give representation to the respondent, seeking for revision of his Grade Pay from Rs.200/- to Rs.350/- and on receipt of such representation, the respondent shall consider the same, in the light of the observation and finding made by this Court in this order, as well as in the light of G.O.(Ms).No.81, Transport (C1) Department, dated 16.09.2016 and consequently, revise the petitioner's Grade Pay from Rs.200/- to Rs.350/- and disburse arrears of the revised pension. Such disbursal shall be made atleast within a period of four (4) weeks from the date of receipt of a copy of this order.

5. With the above direction, the Writ Petition stands allowed. No costs.

02.03.2023

Speaking/Non-speaking Order
Internet: Yes/No
Index: Yes/No
Neutral Citation: Yes/No

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M.S.RAMESH, J.

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To

Managing Director,
M/s. State Express Transport Corporation Ltd.,
No.2, Pallavan Salai,
Chennai – 600 002.

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