



W.P. Nos. 27779, 28077 and 28083 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.09.2023

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THE HON'BLE MR. JUSTICE M.DHANDAPANI

**W.P. Nos. 27779, 28077 and 28083 of 2018
and W.M.P. Nos. 32709, 32713, 32297 and 32716 of 2018**

A.Vellayudham ... Petitioner in W.P.No.27779/2018

1. J.Jeyaraj
2. A.Nagaraj ... Petitioners in W.P.No.28077/2018

N.Paneerselvam ... Petitioner in W.P.No.28083/2018

-VS-

1. The Managing Director,
Tamil Nadu State Transport Corporation,
(Villupuram)Ltd.,
Salamedu, Vazhudhareddy Post,
Villupuram ... 1st Respondent in
W.P.No.27779/2018

The Managing Director,
Metropolitan Transport Corporation(Chennai) Ltd.,
No.1, Pallavan salai,
Chennai – 02. ... 1st Respondent in W.P.No.28077/2018

The Managing Director,
Tamil Nadu State Transport Corporation,
(Madurai) Ltd.,
Bye Pass Road,
Madurai. ... 1st Respondent in W.P.No.28083/2018

2. The Administrator,
Tamil Nadu Employees State Transport,
Corporation Pension Fund Trust,
Pallavan Salai,



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Chennai – 600 002.

... 2nd Respondent in all W.Ps.

Common Prayer:- Writ Petitions filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus, to direct the respondents to revise the date of dearness allowances at the rate of 142% in place of 119% and to revise the pension payable at the rate of 2.57 times by granting the merger of dearness allowances as enumerated in pursuance to the recommendation of the 7th pay commission and the G.O.Ms.No.313 Finance (Pay Cell) Department dated 25.10.2017 & also to implement G.O.Ms.No.126, Finance (Pension) Department, dated 11.04.2018 and to pay the arrears of pension from our retirement which would be appropriate along with the interest at the rate of 18% per annum.

For Petitioner
[in all W.Ps.]

: Mr.P.Paramasiva Doss

For Respondents

: Mr.M.Aswin
[R1 in W.P.Nos.27779 & 28083/2018]

Mr.C.S.K.Sathish
[R2 in W.P.Nos.28077 & 27779 of 2018]

Mr.R.Balaji [R1 in W.P.No.28077 of 2018]

Mr.M.Aswin [R2 in W.P.No.28083 of 2018]



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COMMON ORDER

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These writ petitions have been filed to revise the date of dearness allowances at the rate of 142% instead of 119% and to revise the pension payable at the rate of 2.57 times by granting the merger of dearness allowances as enumerated in pursuance to the 7th pay commission recommendation and G.O.Ms.No.313 Finance (Pay cell) Department dated 25.10.2017 and also to implement G.O.Ms.No.126 Finance (Pension) Department dated 11.04.2018 and to pay the arrears of pension along with the interest at the rate of 18% per annum from the date of petitioners' retirement.

2. The petitioners are the retired pensioners of the Metropolitan Transport Corporation (Chennai) Ltd. and it is the case of the petitioners that they were deprived of payment of dearness allowance, which form part of pension though it was announced by the Government vide Government Order in G.O.Ms.No.135, Transport (D) Department, dated 15.12.2000. Though petitioners are entitled to revision of dearness allowance as per the Government order, the first respondent revised the percentage of dearness allowance only for the existing employees and not to the pensioners. It is stated by the petitioners that though dearness allowance is being enhance bi-yearly and it has reached



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146%, the petitioners' dearness allowance is at 119%. The petitioners have given representations dated 01.06.2018 to revise the dearness allowance payable to them and fix the same at the rate of 142% instead of existing 119%. As no action has been taken on the representations of the petitioners, the petitioners have come forward with the present writ petitions.

3. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

4. Today when the writ petitions are taken up for hearing, the learned counsel appearing for the petitioners submitted that though very many grounds have been raised in the present Writ Petitions, it would suffice, if this Court may issue a direction to the respondents to consider the petitioners' representation dated 01.06.2018 and pass appropriate orders, within a time frame that may be fixed by this Court.

5. The learned Government Advocate appearing for the respondent has no serious objection for such an order being passed by this Court.



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6. Considering the limited request made by the learned counsel for the petitioners, this Court, without going into the merits of the matter, directs the respondents to consider the petitioners' representation dated 01.06.2018 and pass appropriate orders, on merits and in accordance with law within a period of eight weeks from the date of receipt of a copy of this order.

7. With the above directions, this Writ Petition is disposed of. No costs. Connected miscellaneous petitions are closed.

29.09.2023

NCC: Yes / No

Index : Yes / No

Speaking Order : Yes / No

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To

1. The Managing Director,
Tamil Nadu State Transport Corporation,
(Villupuram)Ltd.,
Salamedu, Vazhudhareddy Post,
Villupuram
2. The Managing Director,
Metropolitan Transport Corporation(Chennai) Ltd.,
No.1, Pallavan salai,
Chennai – 02.



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3. The Managing Director,
Tamil Nadu State Transport Corporation,
(Madurai) Ltd.,
Bye Pass Road, Madurai.
4. The Administrator,
Tamil Nadu Employees State Transport,
Corporation Pension Fund Trust,
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