



W.P(MD)No.16432 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.03.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.16432 of 2020

V.Subramanian

... Petitioner

Vs.

1.The Administrator,
Tamil Nadu State Transport Corporation
Workers Pension Trust Fund,
Thiruvalluvar Illam,
Pallavan Salai,
Chennai-600 002.

2.Tamil Nadu State Transport Corporation (TNSTC)
Tirunelveli Division,
Rep. By its Managing Director,
Tirunelveli.

3.Tamil Nadu State Transport Corporation (TNSTC)
Tirunelveli Division,
Rep. By its General Manager,
Tirunelveli.

4.The Assistant General Manager,
Pension Department,
Central Office TNSTC,
Kattabomman Nagar,
Tirunelveli.

... Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the respondents to re-fix the monthly pension amount by taking into consideration of the petitioner's last drawn pay @ Rs.7,400/- with effect from 01.05.2005 and to disburse the arrears of difference monthly pension amount with effect from 01.05.2020 in accordance with the order dated 27.07.2007 in W.P.(MD)No.3038 of 2004 and award dated 13.08.1991 in I.D.No.17 of 1989 @ 12% interest within the time frame fixed by this Court.

For Petitioner : Mr.P.Balamurugan
for Mr.J.Ashok

For Respondents : Mr.S.C.Herold Singh
Standing Counsel for R1

: Mr.R.Rajamohan for R2 to R4

ORDER

Heard the learned counsel on either side.

2. The petitioner joined the respondent Corporation as Conductor on 25.11.1974. He reached the age of superannuation on 30.04.2005. During his service, the petitioner was dismissed from service in the year 1981. He raised an industrial dispute in I.D.No.17 of 1989 on the file of the Labour Court, Madurai. Award dated 13.08.1991 was passed in his favour. The order of dismissal was set aside and the management was directed to reinstate the petitioner with backwages and continuity of service. The petitioner also filed



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W.P.(MD)No.3038 of 2004 and the said Writ Petition was allowed on 27.07.2007 with a direction to the Management to treat the period as one of continuing service and recognize it for the purpose of granting accelerated scale of pay for the second stage.

3. The grievance of the petitioner is that while fixing his pension, last drawn pay was incorrectly fixed. The correlation between the last drawn pay and the pension is beyond doubt. Therefore, any erroneous fixation of the last drawn pay would have serious consequences for the pensioner. Contending that last drawn pay ought to have been taken as Rs.7,400/-, the petitioner seeks refixation of his monthly pension amount accordingly.

4. When the matter was taken up for hearing, the learned standing counsel produced the copy of the communication dated 06.09.2022, in which, the stand of the petitioner has been accepted. It is also claimed that the petitioner's pension has now been refixed. While I would appreciate the fair stand taken by the respondents, I would also remind them that it is not enough to refix the petitioner's pension. The petitioner would be entitled to arrears from the date of his retirement. The respondents are directed to pay the revised pension henceforth. The arrears of the pension shall be paid to the petitioner in suitable installments.



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rmi

5. The Writ Petition is allowed. No costs.

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Index : Yes / No
Internet : Yes/ No
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