



W.P.No.5061 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.02.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.5061 of 2024

K.Chellamuthu

....Petitioner

Versus

1.The Additional Chief Secretary,
Transport Department,
Fort St.George,
Chennai 600 009

2.The Managing Director,
Tamilnadu State Transport Corporation(Salem) Limited,
No.12, Ramakrishna Road,
Salem-7

3.The Administrator,
Tamilnadu State Transport Corporation,
Employees Pension Fund Trust,
Thiruvallur House, Pallavan Salai,
Chennai 600 002

. . . Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India praying to issue a writ of mandamus direct the respondents to pay the payment of pension arrears from 01.06.2016 to 31.03.2018, difference of earned leave arrears and commutation along with interest of belated period and considering the petitioner representation dated 26.12.2023.



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For Petitioner : Mr.N.Desinghu

For Respondents

For R1 : Mr.K.Tamilvendan,
Government Advocate

For R2 : Mr.K.Raja,
Standing Counsel

For R3 : Mr.C.S.K.Sathish,
Standing Counsel

ORDER

This writ petition has been filed for direction to the respondents to pay pension arrears from 01.06.2016 to 31.03.2018, difference of earned leave arrears and commutation along with applicable interest for the belated payment.

2. The petitioner had joined as Junior Assistant in the Anna Transport Corporation (Salem) Limited on 02.12.1981. Thereafter, his service was regularised and the said Corporation was renamed as Tamilnadu State Transport Corporation (Salem) Ltd. After various promotions, he was finally promoted to the post of General Manager. Thereafter, he retired from service due to his attainment of age of



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superannuation on 31.05.2016 and he was granted pension. As per GO.Ms.No.134 Transport (D) Department dated 09.04.2018, it was ordered to implement the Tamilnadu Revised Pay Rules, 2017 and applicable allowance to the Managerial Cadre Officer and Technical and Admin Supervisory Cadre employees of State Transport Undertakings with a view to bring out parity and standardisation in the pay scales available to the employees of State Public Sector Undertakings / Statutory bodies. Further, it was not implemented and as such, the petitioner and others had filed a writ petition before this Court in WP.No.26478 of 2018 to implement the Government Order and the consequential circular dated 09.04.2018.

2.1 This Court passed an order dated 31.01.2019 to implement the revision of pension as per VII Pay Commission to the petitioners (for those who have retired between 01.01.2016 to 31.03.2018 with notional effect from 01.01.2016 and with monetary benefit prospectively. It was not complied with and as such, once again the petitioner and others had filed contempt petition before this Court in Cont.P.No.917 of 2019,



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wherein it was informed before this Court that the VII Pay Commission recommendation was implemented and pension was revised with effect from September, 2019 prospectively. At the time of retirement, the gratuity and earned leave salary were paid to the petitioners as per last drawn pre-revised salary. However, arrears were not paid for the post-revised salary after retirement. Subsequently, after order passed by the Government in GO.Ms.No.142 Transport (E) Department dated 26.08.2019, accordingly the petitioner is eligible to get the amount of difference in earned leave salary, gratuity and commutation after post revised salary. Therefore, the petitioner submitted representation. However, it was not considered.

3. Considering the above facts and circumstances of the case, the respondents are directed to consider the representation submitted by the petitioner seeking arrears of pension from 01.06.2016 to 31.03.2018, difference of earned leave arrears and commutation with applicable interest as per GO.Ms.No.142 Transport (E) Department dated 26.08.2019 and pass appropriate orders in accordance with law within a period of eight weeks from the date of receipt of copy of this order.



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4. With the above direction, this writ petition is disposed of.

There shall be no order as to costs.

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Internet: Yes

Index: Yes/No

Speaking/Non-speaking order
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To

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G.K.ILANTHIRAIYAN, J.

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