



W.P(MD)No.6473 of 2021

WEB CO **BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED: 12.04.2024

CORAM

THE HON'BLE MRS.JUSTICE L.VICTORIA GOWRI

W.P(MD)No.6473 of 2021

K.Muniyandi

... Petitioner

Vs.

1.The Managing Director,
Tamil Nadu State Transport Corpn. (KMBU) Ltd.,
27, New Railway Station Road,
Kumbakonam – 612 001.
Thanjavur District.

2.The Financial Advisor,
Tamil Nadu State Transport Corpn. (KMBU) Ltd.,
27, New Railway Station Road,
Kumbakonam – 612 001.
Thanjavur District.

3.The Administrator,
TNSTC Employees Pension Trust,
Thiruvalluvar House,
No.2, Pallavan Salai,
Chennai – 600 002.

... Respondents



W.P(MD)No.6473 of 2021

PRAYER : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to revise pension benefits and other revised terminal benefits like Gratuity arrears, Leave Salary arrears and Pension arrears etc. in the new scale of Pay on the base of 7th Pay Commission with interest as per the court direction at the rate of 6% per annum payable from the date of retirement (29.02.2016) of the petitioner to till the date of payment of the said monetary benefits to the petitioner.

For Petitioner : Mr.K.Gokul
For Respondents : Mr.S.C.Herold Singh
Standing Counsel

ORDER

This Writ Petition has been filed for issuance of a Writ of Mandamus, to direct the respondents to revise pension benefits and other revised terminal benefits like Gratuity arrears, Leave Salary arrears and Pension arrears etc. in the new scale of Pay on the basis of 7th Pay Commission with interest as per the court direction at the rate of 6% per annum payable from the date of retirement (29.02.2016) of the petitioner to till the date of payment of the said monetary benefits to the petitioner.

2.Heard the learned counsel appearing for the petitioner, the learned Standing Counsel appearing for the respondents and carefully



W.P(MD)No.6473 of 2021

perused the entire materials available on record.

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3.The case of the petitioner is that he was last working as a Managing Director in the respondents Corporation and attained the age of superannuation on 29.02.2016. The petitioner's pension was fixed based on the 6th pay commission report. Subsequently, the Government of Tamil Nadu revised the pay scales for the existing officers/employees of the Government with effect from 01.01.2016 and for the pensioner it has to be paid from 01.10.2017.

4.The grievance of the petitioner is that subsequent to the revision of pay in terms of G.O.Ms.No.303, Finance (Pay Cell) Department dated 11.10.2017 read with G.O.No.134 Transport (D) Department dated 09.04.2018, the petitioner has not been paid with the revised pensionary benefits. Hence, he made a representation dated 04.12.2020 to the respondents and since no orders have been passed thereon, this writ petition has been filed.

5.The learned counsel appearing for the petitioner submitted that



W.P(MD)No.6473 of 2021

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in similar circumstances, this Court, passed orders in W.P(MD)No.26478 of 2018 [Pokkuvarathu Kazhaka Oyvu Petra Aluvalar Nala Sangam Kovai, (Regd.No.269/2011), rep.by its Secretary and another Vs. The Additional Chief Secretary to Government, Transport Department, Secretariat, Fort St. George, Chennai - 600 009 and 4 others] dated 31.01.2019. It would be useful to refer the operative portion of the order, which reads as follows:

“9.In W.P(MD)No.21025 of 2018 dated 23.10.2018, it has been held as under:

“Admittedly, the benefits of 7th pay commission is not applicable to the workmen category and they are governed by Settlement and Award. In case, the benefits of 7th pay commission had already been granted to the in-service candidates (Workmen category), as stated by the petitioner, the same benefits shall be extended to the others. In my view, as the petitioner is coming under managerial category, the benefits of 7th pay commission has got to be extended to the petitioner taking into account any cut off date for granting the benefits. In case, the petitioner comes within the cut-off date, within a period of two months from the date of receipt of a copy of this order, the arrears shall be paid to the petitioner together with interest at 6% per annum.”



W.P(MD)No.6473 of 2021

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6.In view of the same, this Writ Petition is disposed of on the same line as observed in W.P(MD)No.26478 of 2018 dated 31.01.2019. There shall be no order as to costs.

12.04.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
Mrn

To

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W.P(MD)No.6473 of 2021

L.VICTORIA GOWRI, J.

Mrn

Order made in
W.P(MD)No.6473 of 2021

12.04.2024