



W.P.(MD)No.19973 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 07.08.2024

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)No.19973 of 2022

M.Rahmathulla

... Petitioner

VS

1.The Principal Secretary to Government,
Transport Department, Government of Tamil Nadu,
Secretariat, Fort St. George,
Chennai - 600 009.

2.The Managing Director,
Tamil Nadu State Transport Corporation(MDU) Ltd.,
By pass Road, Madurai.

3.The Administrator,
Tamil Nadu State Transport Corporation,
Employees Pension Trust, Administrative Office,
Thiruvalluvar Illam, Pallavan Salai,
Chennai - 600 002.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a writ of Mandamus, directing the respondent to revise petitioner's pension at the rate of Rs.25,720/- instead of Rs.24,825/-, pension different at the rate of Rs.50,120/- as on date, leave salary different of Rs.1,49,607/- and pension commutation amount of Rs.70,316/- with 12% interest for the above mentioned belated payment till the date of realization within the time limit fixed by this Court.



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For Petitioner : Mr.R.Saravanan

For Respondents : Mr.S.Shaji Bino
Special Government Pleader for R1
Mr.S.Raja for R2 and R3

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ORDER

The instant writ petition has been filed by a retired employee of the Respondent/Transport Corporation seeking a mandamus directing the respondent to revise the pension and pay the difference in pension amount, leave salary and pension commutation amount with 12% interest.

2.The first respondent herein has passed an order on 09.01.2018 to recover certain amounts from the writ petitioner on the ground that excess increment has been paid to the writ petitioner. The said order was challenged by the writ petitioner in W.P.(MD)No.19232 of 2018.

3.This Court by an order dated 10.09.2018 has allowed the writ petition and directed the authorities to refund the recovered amount. This order has duly been complied with and the recovered increment amount has been refunded to the writ petitioner. This facts are not in dispute. However, based upon the increment, the pension amount has to be revised and the arrears have to be paid.



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However, once the Court finds that the payment of increment is legally valid, the respondent authorities are expected to revise the pension, based upon the said increment and pay the arrears and revise the pension and also pay arrears of pensionary benefits and other benefits which are based upon the increment. Since the benefits were not conferred upon the writ petitioner, the petitioner has addressed a representation to the authorities on 24.02.2022. Since there is no response, the present writ petition has been filed.

4.A perusal of the counter indicates that the respondent/Corporation has taken a stand, the entire amount that was recovered from the writ petitioner has been refunded and therefore, there is no due to be paid by the Corporation to the petitioner as difference in retirement benefits. This counter has been filed without properly appreciating the fact that once the Court holds that the increment is valid in the eye of law, the pensionary benefits would automatically get enhanced and arrears have to paid.

5.With regard to the above said facts, a direction is issued to the second and third respondent herein to revise the pension and other ancillary benefits based upon the increment that was conferred upon the writ petitioner and pass orders within a period of eight weeks from the date of receipt of a copy of this



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Order.

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6. With the above said observations, this writ petition is disposed of. No costs.

07.08.2024

NCC : Yes/No
Index : Yes/No
Internet: Yes/No
RJR



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To

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R.VIJAYAKUMAR, J.

RJR

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