



W.P.No.34559 of 2023

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

Dated: 01.04.2025

**Coram:**

**THE HONOURABLE Mrs.JUSTICE V.BHAVANI SUBBAROYAN**

**W.P.No.34559 of 2023**

P.Muthiah

...Petitioner

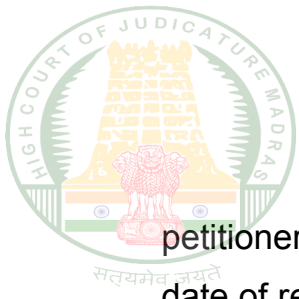
Vs.

1. The State of Tamilnadu  
rep. By its Secretary to Government  
Transport Department,  
Secretariat, Fort St. George,  
Chennai – 600 009
2. The Managing Director,  
Tamil Nadu State Transport Corporation  
(Coimbatore) Limited  
37, Mettupalayam Road,  
Coimbatore – 641 043
3. The General Manager  
Tamilnadu State Transport Corporation  
(Coimbatore) Limited,  
Erode Region, 45, Chennimalai Road,  
Erode – 638 001

...Respondents

**Prayer:**

Writ Petition filed under Article 226 of Constitution of India praying for issuance of a Writ of Mandamus directing the respondents to implement the order of pay protection in consonance with the order passed by this Court in W.P.No.23712 of 2007 dated 15.12.2008 and to calculate the basic salary of the



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petitioner as applicable to the post of driver for the period from 25.09.1997 i.e., date of re-joining till 31.07.2021 i.e., date of voluntary retirement from service and pay the difference in the salary and other emoluments as per the revised tabulation and further to pay the service benefits for the period of 931 days marked as absent and also to pay the interest for the period of delay from 31.07.2021 to 03.04.2023 caused by the respondents in belated payment of the retirement benefits expeditiously within the stipulated time-frame after considering the representation of the petitioner dated 04.10.2023 in accordance with law and on merits.

|                 |                                                                                                        |
|-----------------|--------------------------------------------------------------------------------------------------------|
| For Petitioner  | : Mr.R.Prabakar                                                                                        |
| For Respondents | : Mr.T.M.Rajangam for R1<br>Government Advocate<br>Mr.M.Muralivinodh for R2 and R3<br>Standing Counsel |

### **ORDER**

The petitioner has filed this Writ Petition seeking for an issuance of a Writ of Mandamus directing the respondents to implement the order of pay protection in consonance with the order passed by this Court in W.P.No.23712 of 2007 dated 15.12.2008 and to calculate the basic salary of the petitioner as applicable to the post of driver for the period from 25.09.1997 i.e., date of re-joining till 31.07.2021 i.e., date of voluntary retirement from service and pay the difference in the salary and other emoluments as per the revised tabulation and further to pay the service benefits for the period of 931 days marked as absent and also to

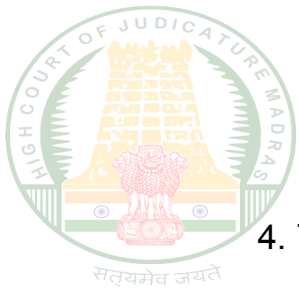


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pay the interest for the period of delay from 31.07.2021 to 03.04.2023 caused by the respondents in belated payment of the retirement benefits expeditiously within the stipulated time-frame after considering the representation of the petitioner dated 04.10.2023 in accordance with law and on merits.

2. According to the petitioner, he was appointed as a transport driver by the 3<sup>rd</sup> respondent vide Appointment order dated 08.01.1992. The petitioner had rendered 29 years of unblemished service and retired voluntarily on 31.07.2022. The petitioner had sent a detailed representation to the respondents through RPAD on 04.10.2023 ventilating his grievances and requested to calculate the correct salary as per the order passed by this Court in W.P.No.23718 of 2007 dated 15.12.2008. Further to pay the emoluments and other benefits for the period of 931 days marked as absent and further to pay the interest for the period of delay from 31.07.2021 to 03.04.2023 caused by the respondents in belated payment of the retirement benefits. Till date the respondents did not consider the same which leads to rise of the present Writ Petition.

3. The learned counsel for the petitioner would submit that it would suffice if this Court directs the respondents to consider the representation of the petitioner dated 04.10.2023.



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4. The learned Government Advocate appearing for the 1<sup>st</sup> respondent and the learned standing counsel appearing for the respondents 2 and 3 seeks time to pass orders on the representation dated 04.10.2023 by considering the case of the petitioner.

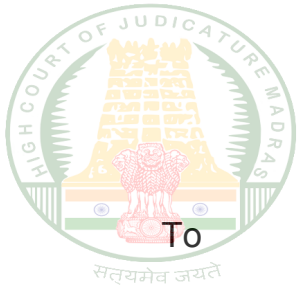
5. Heard both sides and perused the documents placed on record carefully.

6. Considering the submissions made on either side, this Court, without expressing any opinion on the merits of the case, directs the respondents to consider the claim and the representation of the petitioner dated 04.10.2023 and pass appropriate orders on merits and in accordance with law within a period of twelve weeks from the date of receipt of a copy of the order.

7. In view of the above direction, the Writ Petition is disposed of. No costs.

**01.04.2025**

Index : Yes / No  
Internet : Yes / No  
Speaking Order / Non Speaking Order  
ssd



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**V.BHAVANI SUBBAROYAN, J.**

ssd

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