



W.P.(MD).No.398 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.01.2025

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.398 of 2024

1.A.K.Thangavelu

2. M.Nallathambi

3. P.Rajendran

4. G.Chellachamy

... Petitioners

Vs.

1. The State of Tamil Nadu,
Represented by its Secretary to Government,
Transport Department and
Chairman of Board of Director of
State Transport Undertakings,
Fort St. George, Chennai – 600 009.

2. The Tamil Nadu State Transport Corporation
(Madurai) Limited,
Represented by its Managing Director,
Bye Pass Road,
Madurai – 625 010.

3. The General Manager,
Tamil Nadu State Transport Corporation
(Madurai) Limited,
Madurai Region,
Madurai - 625 010.



W.P.(MD).No.398 of 2024

WEB COPY

4. The Administrator,
Tamil Nadu State Transport Corporation
Employees Pension Fund Trust,
Thiruvalluvar Illam,
Pallavan Salai,
Chennai – 600 002.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order passed by the third respondent vide Ref.Nil.... dated 30.06.2021, quash the same as illegal and in consequently, direct the respondents to implement the G.O.(Ms) No.146 Transport (C) Department, dated 30.11.2015, by re-designating the petitioners as Selection Grade Superintendent so to enable them to receive Selection Grade Superintendent time Scale of pay of Rs.7500-250-12500 with effect from 01.01.2008 and Revised Scale of Pay (as per VI pay Commission) of Rs.9300 – 34800 + Grade Pay of Rs.4900/- with effect from 17.06.2009 and Monetary Benefit with effect from 01.04.2015, in terms of G.O.Ms.No.146 Transport (1) Department dated 30.11.2015 and Revise the Pension with effect from, 01.04.2015 and pay the arrears of pension with interest at the rate of 12% from 01.04.2015 till the date of payment and all other attendant benefits to them within the time frame that may be stipulated by this Court.

For Petitioners : Mr.S.Govindan

For R1 : Mr.D.Sasikumar
Additional Government Pleader



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W.P.(MD).No.398 of 2024

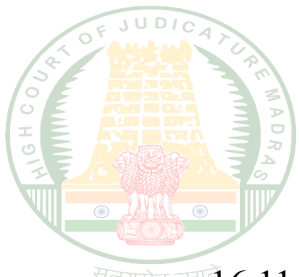
For R2 to R4 : Mr.S.C.Herold Singh
Standing Counsel

ORDER

The instant Writ Petition has been filed by four retired Superintendents of the second respondent Transport Corporation, challenging the order passed by the third respondent on 30.06.2021, wherein, the request for conferment of benefit as per G.O.(Ms) No.146, Transport (C) Department, dated 30.11.2015, has been rejected.

2. A perusal of the impugned order reveals that the request of the petitioners for conferment of benefits under the above said Government Order has been rejected on the sole ground that the petitioners have been promoted as Superintendents after 17.06.2009.

3. The learned counsel appearing for the petitioners brought to the notice of this Court that similarly placed persons, who were promoted as Superintendents after 17.06.2009 had filed writ of Mandamus before this Court in W.P(MD) No.13750 of 2016 to implement G.O.(Ms) No.146, Transport (C) Department, dated 30.11.2015. This Court, by an order, dated



W.P.(MD).No.398 of 2024

WEB COPY

16.11.2023 has allowed the writ petition. No appeal has been preferred by the Transport Corporation.

4. Another learned single Judge of this Court had issued a similar Mandamus in W.P(MD) No.265 of 2024. Though the Transport Corporation has filed an appeal in W.A.(MD) No.1197 of 2024, they have chosen to withdraw the said appeal on 23.07.2024.

5. The learned Standing Counsel appearing for the respondents 2 to 4 herein relying upon G.O(Ms) No.146, dated 30.11.2015, had contended that such a Government Order is applicable only to the Superintendents, who were promoted prior to 17.06.2009.

6. I am of the considered opinion that such a submission cannot be made at this length of time, in view of the fact that the appeal filed by the Transport Corporation as against the orders of the learned Single Judge has already been withdrawn by the Transport Corporation. There is no dispute that the petitioners are similarly placed persons, who were promoted after 17.06.2009.



W.P.(MD).No.398 of 2024

WEB COPY

7. In view of the above said facts, the order impugned in the writ petition is set aside and the respondents are directed to confer the benefits upon the writ petitioners arising out of G.O.(Ms) No. 146, Transport (C) Department, dated 30.11.2015. The said exercise shall be completed within a period of twelve weeks from the date of receipt of a copy of this order.

8. With the above said observations, this Writ Petition stands allowed.

There shall be no order as to costs.

21.01.2025
2/2

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
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W.P.(MD).No.398 of 2024

WEB COPY

To

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W.P.(MD).No.398 of 2024

R.VIJAYAKUMAR,J.

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W.P(MD)No.398 of 2024

21.01.2025

2/2