IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.10.2015

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.34898 of 2015

P.Gnanadhas ...Petitioner

-Vs-

1 The State of Tamil Nadu
Represented by its Secretary Transport
Department Fort St. George Chennai-600 009

2 The Accountant General
Office of the Accountant General (Accounts
& Entitlement) Tamil Nadu 361 Anna Salai
Chennai-600 018 ...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the first Respondent to consider and pass order of the petitioner's representation dated 18.08.2014 with regard to pay the arrears of pension from the date of completion of 10 years of service ie. (01.05.1974) under the Madras State Transport Department (M.S.T.D) and not from 01.01.1988 as calculated in the pension payment order.

For Petitioner : Mr.M.A.Rua
For R1 : Mr. V.Subbiah SplG.P
For R2 : Mr.VijayaShankar

O R D E R

By consent, this Writ Petition is taken up for final disposal.

2. The petitioner was appointed as a conductor on 25.04.1964. His service was regularised on 01.06.1965. He voluntarily retired from service on 31.08.1991. The petitioner would state that he has also completed more than 11 years of service in Madras State Transport Department between 01.05.1964 and 01.05.1975 and thus, claims to have to put in more than 26 years of service under the Transport Department/Corporation. He has sent a notice through lawyer to the Managing Director,

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Nesamony Transport Corporation claiming pensionary benefits. It was replied by stating that the State Transport Corporation is not the proper authority to accord such a benefit. The petitioner made a challenge of that order in W.P.No.17383 of 1994 and the said writ petition was dismissed on 20.12.2000. Petitioner would further state that by G.O.Ms.No.42 of Transport Department cut-off date of service of 10 years was fixed on 01.04.1982 and the pensionary benefits were made admissible as on 01.01.1998.

3. The grievance expressed by the petitioner is that the petitioner has not been conferred with pensionary benefits by the respondents. Due to wrong entry, his service of 14 years and one month has been let off. In this regard, he submitted representations dated 18.08.2014, 11.09.2015 to the first respondent and since no orders have been passed, came forward to file this writ petition.

4. Heard the submissions of the learned counsel for the petitioner and Mr.V.Subbiah, learned Special Government Pleader, who accepts notice on behalf of R1 and Mr.V.Vijayashankar, learned counsel, who accepts notice on behalf of R2.

5. Though the petitioner prayed for a larger relief, this Court, in the light of the facts and circumstances, directs the first respondent to consider and dispose of the petitioner's representations dated 18.08.2014, 11.09.2015, in accordance with law and pass orders thereon within a period of ten weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner.

6. This Writ Petition is disposed of accordingly. No costs.

kua

-s/d-
Assistant Registrar(CS-IV)

True Copy

Sub-Assistant Registrar

To

1 The State of Tamil Nadu
Represented by its Secretary Transport
Department Fort St. George Chennai-600 009

2 The Accountant General
Office of the Accountant General (Accounts
& Entitlement) Tamil Nadu 361 Anna Salai
Chennai-600 018

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+ 1 cc to M/s.M.A.Rua, Advocate SR 59374

+ 1 cc to the Govt.Pleader High Court, Madras SR 59894

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