

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.11.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.40730 of 2016

S.B.Krishnasamy

... Petitioner

Vs.

1 The Management of
Tamil Nadu State Transport Corporation
(Salem Division-II) Ltd
Salem Road
Dharmapuri- 636 705

2 The Administrator
Tamil Nadu State Transport Corporation
Employees Pension fund
Pallavan salai
Chennai-600 002

... Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus to direct the first respondent to grant pension to the petitioner under 1998 pension scheme for the service rendered with him.

For Petitioner : Mr.S.T.Varadarajulu

For Respondents : Mr.R.K.Gandhi

सत्यमेव जयते
ORDER

By consent, the main writ petition itself is taken up for final disposal.

2. The petitioner has come up with the present writ petition for a mandamus, directing the first respondent to grant pension under 1998 pension scheme for the service rendered with him.

3. It is the case of the petitioner that he joined the service of the first respondent corporation as a Conductor on 12.5.1983 and due to his family problem, he opted to retire voluntarily on 30.9.2002. He had put in nearly 19 years and four months of continuous service. Though he is entitled for pension

under 1998 Pension Scheme, he was not paid with pension. Hence, he sent a representation dated 21.3.2003 to the first respondent requesting him to pay pension, who in turn, by order dated 17.4.2003, informed the petitioner that he has not completed 20 years of service and hence, he is not entitled for pension under 1998 Pension Scheme. Further, he was also informed that as per Rule 16(a)ii of Pension Fund Rules, he is not entitled for pension. In the meantime, similarly placed workmen approached this Court challenging the said rule and this Court allowed their claim, pursuant to which the Government passed G.O.(Ms) No.32 dated 23.2.2015 and allowed pension for the employees who retired voluntarily between 1.9.1998 and 23.12.2004, though they have not completed 20 years of service. Since the petitioner is also similarly placed, he sent a representation dated 12.9.2015 to the respondents to grant pension as per the said GO and the first respondent asked the petitioner to report to the office with certain particulars. The petitioner also went to the office on 19.1.2016. But, till date, there is no progress on his representation. Hence, left with no other alternative, the petitioner has come up with the present writ petition for the relief set out earlier.

4. I have heard the learned counsel appearing for the petitioner and the learned counsel, who has taken notice on behalf of the respondents.

5. Considering the facts and circumstances of the case and considering the submissions made on either side, without going into the merits of the claim projected by the petitioner, this Court directs the petitioner to send a fresh representation along with a copy of this order to the first respondent within a period of two weeks from the date of receipt of a copy of this order and on receipt of the same, the first respondent is directed to consider the said representation seeking pension under 1998 Pension Scheme and pass appropriate orders, on merits and in accordance with law and also in the light of G.O.(Ms) No.32 dated 23.2.2015, within a period of six weeks thereafter. The writ petition is disposed of accordingly. No costs. सत्यमेव जयते

sbi

Sd/-
Assistant Registrar
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Sub-Assistant Registrar

To

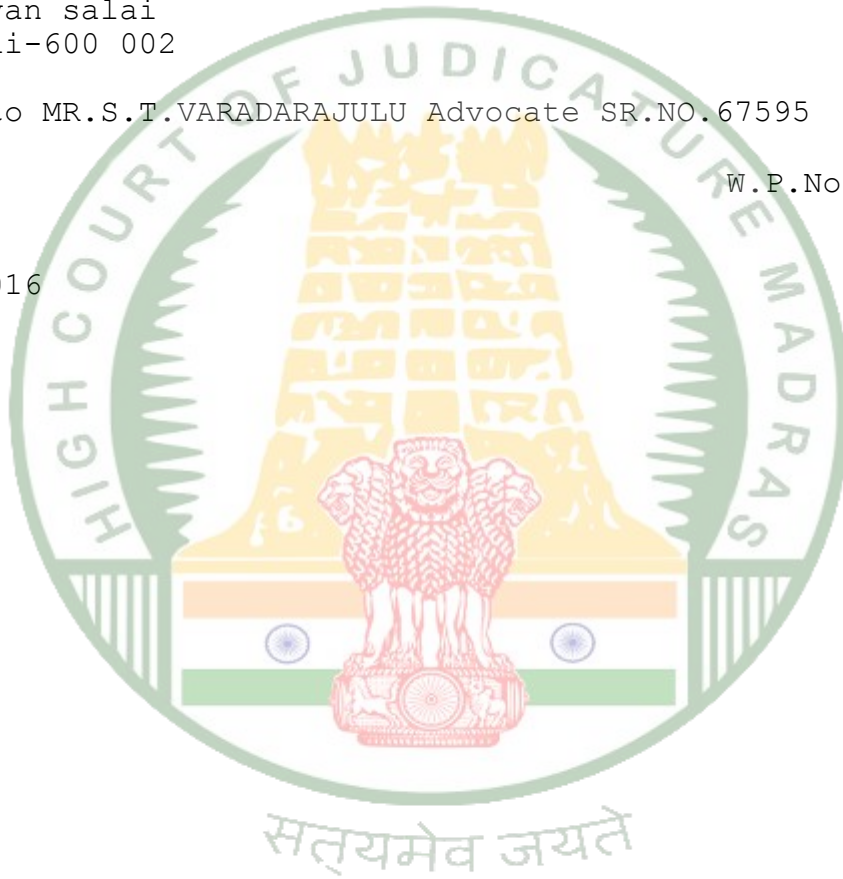
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+1CC to MR.S.T.VARADARAJULU Advocate SR.NO.67595

W.P.No.40730 of 2016

SS[CO]
MK:30/12/2016



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