



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.11.2016

CORAM:

THE HONOURABLE DR.JUSTICE S.VIMALA

WEB COPY

W.P(MD)No.11117 of 2016

R.Gunasekaran

: Petitioner

Vs.

1.The Management of Tamil Nadu State Transport Corporation
(Kumbakonam) Ltd.,
rep. by its Managing Director, Kumbakonam.

2.The Administrator,
Tamil Nadu State Transport Employees' Pension Fund Trust,
Thiruvalluvar Illam, Anna Salai,
Chennai - 2.

: Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents to pay pension arrears of pension for the period from June, 2004 to December, 2015 under TNSTC EPF Rules together with 16% interest p.a and thus render justice.

For Petitioner : Mr.S.Arunachalam

For Respondent No.1 : Mr.D.Sivaraman

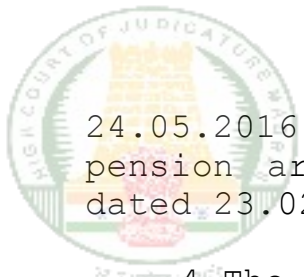
For Respondent No.2 : Mr.A.P.Muthupandian

O R D E R

The claim of the petitioner is that he was working as Selection Grade Conductor under the first respondent Corporation and he voluntarily retired from service on 05.05.2004. Though, he was sanctioned pension from January, 2016 onwards, the arrears of pension payable from June, 2004 to December, 2015 was not disbursed. He made a representation dated 24.05.2016 therefor and that the same has not been considered. Therefore, the petitioner has sought for this Writ of Mandamus, directing the respondents to pay pension arrears of the petitioner from from June, 2004 to December, 2015 under TNSTC EPF Rules together with 16% interest p.a.

2.Heard the learned counsel for the petitioner and the learned counsel for the respondents.

3.The petitioner's claim for voluntary retirement has been accepted by the first respondent on 05.05.2004 and the voluntary retirement is with effect from 05.05.2004. A representation dated



24.05.2016 has been submitted by the petitioner seeking grant of pension arrears in terms of G.O.Ms.No.32, Transport Department, dated 23.02.2015.

4.The learned counsel for the petitioner would submit that when the pension on account of voluntary retirement was declined by the Transport Corporation, it was taken in appeal to Supreme Court in S.L.P.No.16446 of 2013. The Hon'ble Supreme Court directed the Transport Corporation to pay the voluntary retirement pension and the other benefits. Consequent to the order passed in SLP, the Government has passed the said Government Order in G.O.Ms.No.32, dated 23.02.2015 granting benefits to the persons, who went on voluntary retirement between 01.09.1998 to 23.12.2004.

5.It is not in dispute that the petitioner went on voluntary retirement from 05.05.2004. Therefore, the benefit of G.O.Ms.No.32, dated 23.02.2015 is directly applicable to the petitioner.

6.Under such circumstances, the second respondent is directed to sanction pension arrears and the arrears of pension shall be paid in six equal monthly installments. The first installment shall commence by making payment on or before 1st week of January, 2017 and the amount in each of the remaining installments shall be paid on or before 10th of every succeeding month.

Sd/-
Deputy Registrar (Admn.)

/True Copy/

Sub Assistant Registrar

To

1.The Managing Director,
Tamil Nadu State Transport
Corporation (Kumbakonam) Ltd.,
Kumbakonam.

2.The Administrator,
Tamil Nadu State Transport Employees' Pension Fund Trust,
Thiruvalluvar Illam, Anna Salai,
Chennai - 2.

+1cc to Mr.D.Sivaraman, Advocate Sr.No.74552

ORDER MADE IN
W.P (MD) No.11117 of 2016
29.11.2016

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