



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.10.2016

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CORAM:

THE HON'BLE DR.JUSTICE S.VIMALA

W.P (MD) No.17259 of 2016

M.Thamaraiselvi

... Petitioner

-vs-

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

2. The General Manager,
The Tamil Nadu State Transport Corporation (Kumbakonam) Ltd.,
Kumbakonam Region,
Kumbakonam.

3. The Administrator,
The Tamil Nadu State Transport Corporation Pension Fund Trust,
Thiruvalluvar Illam,
Pallavan Salai, Chennai - 2.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for the issuance of Writ of Declaration declaring the action of the respondents in not paying pension arrears of the petitioner's husband Late R.Manivannan from 06.08.1999 to 07.10.1999 and family pension arrears from 08.10.1999 to 30.11.2015 to the petitioner as illegal and arbitrary and consequently to direct the respondents to pay pension arrears of her husband Late.R.Manivannan payable from 06.08.1999 to 07.10.1999 and family pension arrears payable from 08.10.1999 to 30.11.2015 within a stipulated time.

For Petitioner	:	Mr.A.Rahul
For R1 and R2	:	Mr.D.Sivaraman
For R3	:	Mr.A.P.Muthupandian

**ORDER**

The claim of the petitioner is that her husband was working as Tradesman under the first respondent Corporation and he voluntarily retired from service on 20.04.1999. Thereafter, the petitioner's husband died on 07.10.1999. Hence, the petitioner has approached the respondents for pension arrears for the period from 05.08.1999 to 07.10.1999 i.e. till the date of the death of the petitioner's husband and also family pension is claimed for the period from 08.10.1999 to 30.11.2015. But the third respondent declined to pay the amount and therefore, this writ of declaration has been filed seeking to declare that the action of the third respondent as illegal and to direct the respondents to pay pension arrears of her husband Late.R.Manivannan payable from 06.08.1999 to 07.10.1999 and family pension arrears payable from 08.10.1999 to 30.11.2015 within a stipulated time.

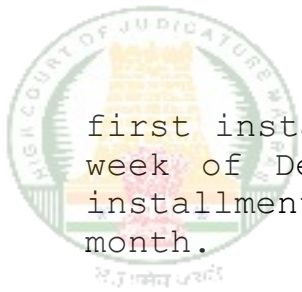
2. Heard the learned counsel for the petitioner and the learned counsel for the respondents.

3. The petitioner's husband's claim for Voluntary retirement has been accepted by the first respondent on 04.08.1999 and the Voluntary retirement is with effect from 05.08.1999. A representation dated 25.06.2015 has been submitted by the petitioner seeking to grant of pension arrears and the family pension 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, the issue 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's husband went on voluntary retirement from 05.08.1999 i.e. well within and between 01.09.1998 to 23.12.2004. Therefore, the benefit of G.O.Ms.No.32, dated 23.02.2015 is directly applicable to the petitioner's husband.

6. Under such circumstances, the third respondent is directed to sanction pension arrears and the family pension to the petitioner. The arrears of family pension (whatever is the quantum) shall be paid in six equal monthly installments. The



first installment shall commence by making payment on or before 1st week of December, 2016 and the amount in each of the remaining installments shall be paid on or before 10th of every succeeding month.

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Sd/-
Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar

To

1. The Managing Director,
Tamil Nadu State Transport
Corporation (Kumbakonam) Ltd.,
Kumbakonam.
2. The General Manager,
The Tamil Nadu State Transport
Corporation (Kumbakonam) Ltd.,
Kumbakonam Region,
Kumbakonam.
3. The Administrator,
The Tamil Nadu State Transport
Corporation Pension Fund Trust,
Thiruvalluvar Illam,
Pallavan Salai, Chennai - 2.

+ 1 CC TO Mr.A.RAHUL, ADVOCATE IN SR No. 62270

RJ2

TE/GSV-PM : 22/11/2016 : 3P/5C

W.P(MD) No.17259 of 2016
19.10.2016