



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.11.2016

CORAM:

THE HONOURABLE DR.JUSTICE **S.VIMALA**

W.P (MD) No.20871 of 2016

R.Chandar : Petitioner

Vs.

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

2.The Administrator,
Tamil Nadu State Transport Corporation Pension Fund Trust,
Thiruvalluvar Illam,
Pallavan 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 the petitioner from 30.04.2001 to 31.08.2015 together with interest at the rate of 18% per annum from the date of his retirement to till the date of payment within the time that may be stipulated by this Court.

For Petitioner : Mr.A.Rahul
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 Driver under the first respondent Corporation and he voluntarily retired from service on 30.04.2001. Though, he was sanctioned pension from September, 2015, the arrears of pension payable from 30.04.2001 was not disbursed. He made a representation dated 18.04.2016 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 30.04.2001 to 31.08.2015 together with interest at the rate of 18% per annum from the date of his retirement to till the date of payment, within a stipulated time.

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 30.04.2001 and the voluntary retirement took effect from 30.04.2001. A representation dated 18.04.2016 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 30.04.2001. 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 pension arrears whatever is to be paid, 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.

Sd/-

Assistant Registrar (Crl.)

/True copy/

Sub Assistant Registrar

To

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

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

+1 CC to Mr.A.RAHUL, Advocate, SR No.64716

+1 CC to Mr.D.SIVARAMAN, Advocate, SR No.64977

smn

SH/SKS-RR:16.11.2016:2P/5C

W.P(MD)No.20871 of 2016