



WEB COPY

1

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :14.07.2016

CORAM

THE HONOURABLE **MR. JUSTICE T.RAJA**

W.P(MD) .No.442 of 2016

and

WMP(MD) .No.361 of 2016

R.Meera

... Petitioner

Vs.

- 1.The Government of Tamil Nadu,
Represented by its
Principal Secretary to Government,
Transport Department and Chairman of
Transport Corporations,
Secretariat,
Chennai - 600 009.
- 2.The Tamil Nadu State Transport
Corporation(Kumbakonam) Ltd.,
Represented by its Managing Director,
Kumbakonam.
- 3.The General Manager,
Tamil Nadu State Transport Corporation
(Kumbakonam) Ltd.,
Kumbakonam Region,
Kumbakonam.
- 4.The Administrator,
Tamil Nadu State Transport Corporation,
Pension Fund Trust,
Thiruvalluvar Illam,
Pallavan Salai,
Chennai - 600 002.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India for the issuance of a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned order passed by the third respondent in ref:455/RA11/KUM REG ACC/TNSTC(KUM)/2015, dated 03.03.2015, quash the same and consequently directing the



(i) to sanction and pay the petitioner voluntary retirement pension of her husband late. R.Radhakrishnan, formerly Selection Grade Driver of Mannargudi Branch of the first respondent corporation together with arrears and interest at the rate of 12% per annum payable from 01.01.2000 to till the date of actual payment and

(ii) further directing the respondents to sanction and pay family pension to the petitioner with effect from the date of death of her husband ie., from 15.11.2005 and to pay arrears of family pension from 15.11.2005 to till the date of actual payment.

For petitioner : Mr.A.Rahul
For R-1 : Mr.T.R.Janarthanam,
Additional Government Pleader
For R-2 to R-4 : Mr.D.Sivaraman

ORDER

The case of the petitioner is that her husband by name late.R.Radhakrishnan, who was an employee of the respondent Transport Corporation, took voluntary retirement, after rendering 19 years of service on attaining the age of 50 years w.e.f. 01.01.2000. Subsequently, he died on 15.11.2005. After his demise, now the petitioner has come to this Court challenging the order of refusal to give pensionary benefits to the petitioner, dated 03.03.2015, passed by the third respondent General Manager, Tamil Nadu State Transport Corporation, Kumbakonam Region, Kumbakonam.

2. Although the husband of the petitioner has not put in 20 years of service, which is pensionable service, it has been indicated by the learned counsel for the petitioner that the case of the petitioner is covered by G.O.Ms.No.32 Transport (E) Department, 23.02.2015, wherein it has been held that the Transport Employees, who took voluntary retirement from 01.09.1998 to 23.12.2004, are entitled to get pension, even though they have not fulfilled the conditions of the Tamil Nadu State Transport Corporation Employees Pension Fund Trust Rules.

3. On this basis, it was pleaded by the learned counsel for the petitioner that the petitioner has moved an application under R.T.I Act, seeking certain informations as to whether an employee, who has not put in 20 years of service on attaining the age of 50 years would be entitled to get pensionary benefits from the Transport Corporation. For which, a negative reply was given that the persons, who rendered 19 years of service and took voluntary retirement on reaching the age of 50 years, is not entitled to get pension. However, G.O.Ms.No.32, is squarely



covering the case of the petitioner and therefore, the impugned order is liable to be set aside, he pleaded.

4. Mr.D.Sivaraman, learned standing counsel appearing for the respondent Corporation has submitted that the husband of the petitioner Mr.R.Radhakrisnan died on 15.11.2005. But till date no such application has been made by the petitioner seeking pension. Merely on the basis of the information given by the third respondent, the petitioner cannot come to this Court. However, if the petitioner makes an application to the respondents 3 and 4, the General Manager, Tamil Nadu State Transport Corporation Limited, Kumbakonam Region, Kumbakonam and the Administrator, Tamil Nadu State Transport Corporation Pension Fund Trust, Chennai, the same would be considered in the light of G.O.Ms.No.32.

5. Recording his statement, the petitioner is directed to make an application, within a period of two weeks from the date of receipt of a copy of this order, along with copy of G.O.Ms.No.32 Transport (E) Department, 23.02.2015, to both the respondents 3 and 4. On receipt of her application, both the respondents 3 and 4, shall consider the case of the petitioner, on merits and in accordance with law in the light of G.O.Ms.No.32, referred to supra, within a period of four weeks thereafter.

6. With the above direction, the Writ Petition is disposed of. No Costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(T & P)

/True Copy/

Sub Assistant Registrar

To

The Principal Secretary to Government,
Government of Tamil Nadu,
Transport Department and Chairman of
Transport Corporations,
Secretariat, Chennai - 600 009.

+1cc to Mr.A.RAHUL, Advocate Sr.No.37125

PM

AA/SKS-RR/08.08.2016/3p-3c

W.P(MD).No.442 of 2016