

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.02.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.4124 of 2017
and
W.M.P.No.4275 of 2017

K.Dhandapani

...Petitioner

Vs

- 1.The Administrator,
Tamil Nadu State Transport
Corporation Employees Pension
Fund Trust, Tiruvalluvar House,
Pallavan Salai,
Chennai - 2.
2. The Managing Director,
Tamil Nadu State Transport Corporation,
Regional Office: No.45, Sennimalai Road,
(Kovai Division II) Erode - 638 001
3. The General Manager,
Tamil Nadu State Transport Corporation,
Regional Office: No.45, Sennimalai Road,
(Kovai Division II)
Erode - 638 001

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus to direct the respondents to sanction the monthly pension for the petitioner under the scheme of Tamil Nadu State Transport Corporation Employees Pension Fund Trust and disburse the same together with interest to the petitioner within the stipulated time as fixed by this Court.

For Petitioner : Mr.C.Prakasam

For Respondents: Mr.P.Kannan Kumar
Standing Counsel for
Transport Corporation.

ORDER

By consent, the writ petition is taken up for final disposal. Mr.P.Kannan Kumar, learned Standing counsel for Transport Corporation accepts notice on behalf of the respondents.

2. The petitioner was working as a Driver in the service of the Tamil Nadu State Transport Corporation. Due to the health condition, he submitted an application for voluntary retirement and accordingly, he was permitted to go on voluntary retirement on 30.06.1995 vide proceedings of the 2nd respondent dated 24.04.1995. The grievance expressed by the petitioner is that originally, there was no pensionary benefits in respect of employees who went on voluntary retirement scheme and as per the Division Bench judgment dated 20.03.2008 in W.A.(MD).No.585 of 2007, such benefit has been conferred and though in this regard, he submitted a representation dated 07.01.2017 to the respondents, it is yet to be favoured with any kind of response.

3. Mr.C.Prakasam, learned counsel for the petitioner would submit that the above cited judgment was followed in the order dated 30.04.2010 in W.P.No.7118 of 2009 (N.Krishnaswamy vs. The Administrator, Tamil Nadu State Transport Corporation Employees Pension Fund Trust, Tiruvallurvar House, Pallavan Salai, Chennai-2 and another) and it was also challenged by way of Appeal in W.A.No.647 of 2011 and it was dismissed by judgment dated 20.04.2011 by the First Bench of this Court. and Special Leave Petition preferred by the respondent therein was also dismissed on 21.12.2000. In the light of the same, there cannot be any impediment to pass positive order in favour of the petitioner granting him the monthly pension and prays for appropriate orders.

4. Per contra, Mr.K.Kannan Kumar, learned standing counsel appearing for the respondent Corporation would submit that the claim of the petitioner is hit by delay and laches and as such, he is not entitled to get the benefits.

5. This Court heard the rival submissions and perused the typed set of documents.

6. Though the petitioner prays for a larger relief, this

Court in the light of the above facts and circumstances and without going into the merits of the claim projected by the petitioner either in the writ petition or in the representation, directs the 1st respondent to consider and dispose of the petitioner's representation dated 07.01.2017 on merits and in accordance with law and pass orders within a period of eight weeks from the date of receipt of a copy of this order and communicate the decision taken to the petitioner. The writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

vsi

To

1. The Administrator,
Tamil Nadu State Transport
Corporation Employees Pension
Fund Trust, Tiruvalluvar House,
Pallavan Salai, Chennai - 2.

+1cc to Mr.Prakasam, Advocate, S.R.No.10912

KS(CO)

RS(08/03/2017)

सत्यमेव जयते

W.P.No.4124 of 2017

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