

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.02.2017

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.4507 of 2017

and

WMP.No.4734 of 2017

T.Thangavelu .. Petitioner

Vs.

1. Government of Tamil Nadu
Represented by Secretary
to Government,
Transport (TCB) Department,
Secretariat, Chennai - 600 009.
2. The Managing Director,
Tamil Nadu State Transport
Corporation (Salem) Limited,
No.12, Ramakrishna Salai,
Salem - 600 035.
3. The Managing Director,
Metropolitan Transport Corporation
(Chennai) Limited,
Chennai - 600 002.
4. The Principal Accountant General,
PV 4th Section, Nandanam,
Chennai - 600 035. .. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to forthwith ensure reconstruction of the Service Register of the Petitioner and in any event, to sanction and disburse the pensionary benefits and arrears of pension to the petitioner in accordance with G.O.Ms.No.96, Transport (RW-1) Department dated 31.07.2015 along with interest on delayed payment within a limited time frame.

For Petitioner :: Mr.M.Ravi
For Respondent :: Mr.K.Dhananjayan
Special Government Pleader
for R1
:: Mr.P.Paramasivadoss for R2 & 3
:: Mr.V.Vijayashankar for R4

O R D E R

By consent, the main writ petition itself is taken up for final disposal.

2. Mr.K. Dhananjayan, learned Special Government Pleader accepts notice on behalf of the 1st respondent, Mr.P. Paramasivadoss, learned Standing Counsel accepts notice on behalf of respondents 2 and 3 and Mr.V. Vijayashankar, learned counsel accepts notice on behalf of the 4th respondent.

3. The petitioner was initially appointed as a Watchman in the erstwhile Tamil Nadu State Transport Department and posted to Hosur Depot and he joined service on 16.11.1969 and served in the said Depot till 14.02.1973. The petitioner would further submit that on account of merger and amalgamation, Tamil Nadu State Transport Corporation (Salem) Limited came into existence and the petitioner was initially transferred on deputation basis to the newly formed Corporation and thereafter, he was permanently absorbed in the newly formed Transport Corporation with effect from 15.02.1973. The petitioner was promoted as Assistant on 01.05.1980 and subsequently, promoted as Superintendent on 06.05.1996 and as Senior Superintendent on 08.05.2002 and he retired from service on 28.02.2006. The grievance expressed by the petitioner is that though he has served in Anna Transport Corporation Limited, Salem as well as Tamil Nadu State Transport Corporation (Salem) Limited and he is eligible to get pensionary/retirement benefits, the same have not been disbursed, in spite of several representations. The petitioner would submit that in the light of the orders passed in W.P. Nos, 5856 of 2006, 6891 of 2006 and 23181 of 2006 dated 27.09.2006, consequent to which clause V(b) of G.O.Ms. No. 42, Transport (RW) Department, dated 27.05.2005 came to be set aside and amendments to the said G.O. were also issued, the petitioner is eligible to get the benefit of pension as well as arrears. He would further state that since the Service Book maintained in respect of the petitioner by erstwhile State Transport Department is not available, his pensionary benefits could not be finalised and in this regard, the 2nd respondent has also informed the Deputy Secretary to Government, Transport Department as well as the 4th respondent about the non-traceability of the Service Register of the petitioner and that in the event of the same being available in Transport Department

(Residuary Works), it shall be forwarded to the 2nd respondent Transport Corporation. The petitioner, in this regard, has submitted representations dated 26.08.2016 and 21.11.2016 to the 1st respondent, praying for conferment of pensionary and other benefits and since no orders have been passed, came forward to file the present writ petition.

4. This Court heard the submission of Mr.M. Ravi, learned counsel for the petitioner and Mr.K. Dhananjayan, learned Special Government Pleader for the 1st respondent, Mr.P. Paramasivadosh, learned counsel for respondents 2 and 3 and Mr.V. Vijayashankar, learned counsel for the 4th respondent.

5. Though the petitioner prays for a larger relief, in the light of the above facts and circumstances and without going into the merits of the claim projected by the petitioner, directs the 1st respondent to consider the petitioner's representations dated 26.08.2016 and 21.11.2016, on merits and in accordance with law, and pass orders on the same, within a period of 12 weeks from the date of receipt of a copy of this order and communicate the decision taken to the petitioner.

6. The writ petition is disposed of accordingly. No costs. Consequently, connected writ miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

nv

To

1. Government of Tamil Nadu
Represented by Secretary
to Government,
Transport (TCB) Department,
Secretariat, Chennai - 600 009.

2. The Managing Director,
Tamil Nadu State Transport
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(Chennai) Limited,
Chennai - 600 002.
4. The Principal Accountant General,
PV 4th Section, Nandanam,
Chennai - 600 035.

+lcc to Mr.P. Paremasiva Doss, Advocate, S.R.No.11816
+lcc to Mr.M. Ravi, Advocate, S.R.No.12245
+lcc to Mr. V. Vijay Shankar, Advocate Sr.No.11856
+lcc to the Government Pleader, S.R.No.13013

ak(CO)
md(16/03/2017)

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