

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.10.2017

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.4578 of 2014

K.P.Viswanathan

... Petitioner

Vs

1.The Government of Tamil Nadu,
Rep. by its Secretary,
Transport Department,
Fort St.George, Chennai - 9.

2.The Managing Director,
State Transport Corporation,
Coimbatore.

3.The Branch Manager,
State Transport Corporation,
Udumalaipettai Branch,
Udumalaipet.

... Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the proceedings No.1/L2/WP 15711/2011/TNSTC/(Ko)/13 dated 01.06.2013, passed by the second respondent and quash the same and consequently direct the second respondent to issue pension.

For Petitioner : Mr.M.Kempuraj

For Respondents : Mr.K.Thangapandi
Government Advocate (For R1)

Mr.S.Sairaman (For R2 & R3)

O R D E R

The impugned order dated 01.06.2013 passed by the second respondent is sought to be quashed and further direction is sought for to issue pension to the writ petitioner.

2.The learned counsel appearing for the writ petitioner made a submission that the writ petitioner had originally joined in

Anna Bus Company as a Conductor and subsequently joined in the erst while State Transport Corporation. The fact remains that the writ petitioner was originally working in APT Bus Company and subsequently joined as Office Assistant and retired from service on 31.05.1995. On the date of retirement on 31.05.1995, there was no pension scheme in force and therefore, no pension was provided to the writ petitioner. All other benefits including Provident fund, gratuity, leave salary etc. were disbursed to the writ petitioner and he has also received the same.

3.The relief sought for in this writ petition is for pension. However, the writ petitioner retired from service on 31.05.1995 and at the relevant point of time no pension scheme was in force. In the absence of any scheme in force, the writ petitioner cannot claim pension under the rules. The learned counsel appearing for the writ petitioner made a submission that the pension scheme introduced by the respondents with effect from 01.09.1998 and the case of the writ petitioner is also to be considered along with other persons retired after on 01.09.1998. Such a scheme cannot be considered by this Court. Pension being a scheme and the benefits had already been settled in favour of the writ petitioner in the year 1995 itself and such a pension scheme introduced was only with effect from 01.09.1998 after a lapse of three years from the date of the retirement of the writ petitioner. The scheme cannot be extended by this Court by way of a writ petition.

4.This being the factum of the case, the writ petitioner is not eligible for the pension under the scheme, which was introduced with effect from 01.09.1998 after the retirement of the writ petitioner. There is no further adjudication is required on the ground raised in this writ petition and the writ petitioner is not eligible to receive the pension under the pension scheme introduced by the respondents.

5.Accordingly, the writ petition stands dismissed. However, there is no order as to costs.

Sd/-
Asst.Registrar (CS II)

/true copy/

Sub Asst. Registrar

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To

1. The Secretary,
Government of Tamil Nadu,
Transport Department,
Fort St.George, Chennai - 9.

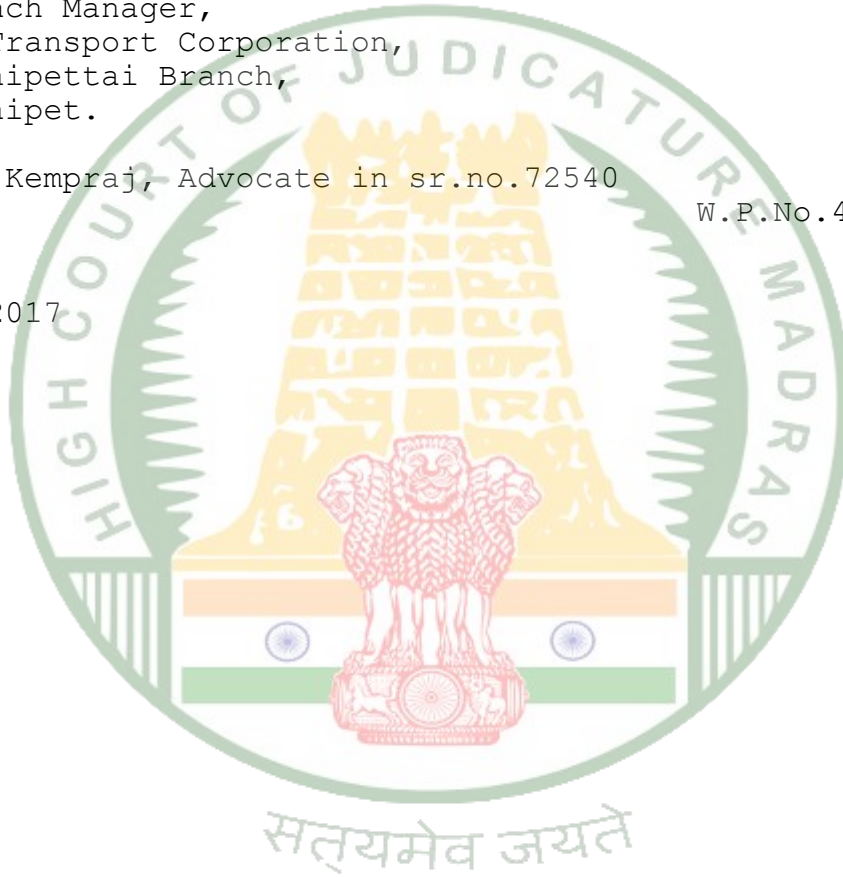
2.The Managing Director,
State Transport Corporation,
Coimbatore.

3.The Branch Manager,
State Transport Corporation,
Udumalaipettai Branch,
Udumalaipet.

+1cc Mr.M.Kempraj, Advocate in sr.no.72540

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MSM(CO)
NR 17/11/2017



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