

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30-01-2017

CORAM:

THE HON'BLE MR. JUSTICE M.SATHYANARAYANAN

W.P.Nos.2074 and 2075 of 2017

K. Chokalingam
S. Sivaprakasam

Petitioner in WP 2074
WP 2075 of 2017

Vs

1. The Secretary
Transport Department
Secretariat
Fort St. George
Chennai - 600 009
 2. The Director
Directorate of Pension
259, Anna Salai, 3rd Block
2nd Floor
Teynampet
Chennai - 600 009
 3. The Managing Director
Tamil Nadu State Express Transport Corporation
Pallavan Illam
Pallavan Salai
Chennai - 600 002
 4. The Pension Administrator
Tamil Nadu State Express Corporation Pension Fund
Pallavan Illam
Pallavan Salai, Chennai 600 002
- Respondents

Petitions filed under Article 226 of the Constitution of India praying for a writ of mandamus directing the 2nd respondent to pay appropriate pension for the service rendered in the erstwhile Tamil Nadu State Transport Department from 1961 to 1982 and direct the fourth respondent to pay pension from 1982 to 1998, 1982 to 1997, 1964 to 1982 for the service rendered in the Transport Corporation as per the judgment in W.A.No.3265 of 2002 dated 16-04-2008 and pass orders.

For petitioners : Mr. D. Geetha
For respondents : Mr.K.Dhananjayan, Spl.G.P.,
for RR1 and 2
Mr. P. Kannan Kumar for RR3 and 4

ORDER

Mr.K.Dhananjayan, learned Special Government Pleader accepts notice on behalf of respondents 1 and 2 and Mr.P.Kannan Kumar, learned counsel for RR3 and 4.

2. By consent, the writ petitions are taken up for final disposal.

3. The petitioners joined the services of the Tamil Nadu State Transport Corporation as Conductor during the year 1961 and 1964, respectively. Subsequently, the Department was dismantled and several Transport Corporations were established. The petitioners were deputed to work in Pallavan Transport Corporation. The petitioners would aver that they were paid with minimum pension for the period of service from 1961 to 1975 and he retired from service in the year 1998 and 1997, respectively. The grievance of the petitioners is that they were not paid with pension for the services rendered by them in the erstwhile Transport Corporation and the representations, dated 07/13-12-2016 submitted by them in this regard are also yet to be disposed of. Hence the petitioners have come forward with these writ petitions.

4. The learned counsel for the petitioners would place reliance on the judgment dated 16-04-2008 of this Court in W.A.No.3265 of 2002(DB) (S. Jesuretnam Vs. The State of Tamil Nadu rep. by Secretary to Government). The Division Bench of this Court after taking into consideration the judgment of the Honourable Supreme Court in Govt. of Tamil Nadu Vs. Ananchu Asari (2003 (10) SCC 503) has fixed the cut off date as 01-04-1982 for conferment of pensionary benefit and since the petitioners are similarly placed prays for appropriate orders.

5. The learned Special Government Pleader appearing for the respondents 1 and 2 would submit that the writ petitions are hopelessly hit by limitation and on the ground of delay and laches and hence these writ petitions have to be dismissed.

6. This Court, heard the submissions of the learned counsel for the petitioners and the learned Special Government Pleader.

7. Though the petitioners pray for a larger relief, this Court, in the light of the facts and circumstances of the case and without going into the merits of the claim made by the petitioners, directs the second and fourth respondent to consider the representation of the petitioners, after taking note of the judgment dated 16-04-2008 of this Court in W.A.No.3265 of 2002(DB), and pass orders, on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order and communicate the same to the petitioners.

8. The writ petitions are disposed of accordingly. No costs.

s/d-
Assistant Registrar(CCC)

//True Copy//

Sub-Assistant Registrar

To

- 1 The Secretary
Transport Department
Secretariat, Fort St. George
Chennai - 600 009
 2. The Director
Directorate of Pension
259, Anna Salai, 3rd Block
2nd Floor, Teynampet
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Pallavan Illam, Pallavan Salai
Chennai - 600 002
 4. The Pension Administrator
Tamil Nadu State Express Corporation Pension Fund
Pallavan Illam
Pallavan Salai, Chennai 600 002
- +2 CCS to M/s. D. Geetha, Advocate sr 5499, 5500
+3 Ccs to Mr. P. Kannan Kumar, Advocate sr 6332
+1 CC to Govt. Pleader sr 5971

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KS (CO)
sp/20/2