

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.11.2018

CORAM

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

W.P.No.5654 of 2011

C.Krishnan

... Petitioner

Vs.

1. The Tamil Nadu State Transport Corporation (Coimbatore) Ltd.,
Rep. by its Managing Director,
No.37, Mettupalayam Road, Coimbatore 641 043.
2. The Tamil Nadu Transport Corporation,
Employees Pension Fund Trust,
Rep. by its Administrator,
Thiruvalluvar House,
Pallavan Salai, Chennai - 600 002. ... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, directing the respondents to pay the petitioner his monthly pension, commuted value of pension with arrears and interest for the delayed payment.

For Petitioner : Mr.R.Krishnasamy
For Respondents : Mr.T.Chandrasekaran, for RR1 & 2

ORDER

The petitioner has come forward with the present Writ Petition for issuance of Writ of Mandamus, directing the respondents to pay the petitioner his monthly pension, commuted value of pension with arrears and interest for the delayed payment.

2. The grievance expressed by the petitioner is that despite he had entered qualifying service to get pension, the respondent Corporation has not provided the same.

3. The learned counsel for the respondents by producing a copy of the letter of the General Manager, the Tamil Nadu State Transport Corporation (Coimbatore) Ltd., dated 29.10.2018, has stated that the writ petitioner was appointed as driver on the respondent-Corporation on 10.02.1982 and retired from service on 20.11.2002. Though the petitioner was paid pension earlier between 21.11.2002 and 31.12.2003, it was stopped, based on the Government letter, dated 08.09.2003, which prescribes minimum 20 years of service, excluding the daily wages period as eligibility for pension. However, by issuing G.O.Ms.No.32, Transport Department, dated 23.02.2015, the Government has decided to permit the Administrator / Tamil Nadu State Transport Corporation EPF Trust to sanction pension to the employees, who voluntarily retired between 01.09.1998 and 23.12.2004, even though they have not full filled the condition of completion of 20 years service. As per the said G.O., the petitioner is now being paid pension at the rate of Rs.8,245/- per month with effect from August 2015 and arrears amount would be paid in due course on seniority basis.

4. In the light of the above letter of the General Manager, dated 29.10.2018, and the submission of the learned Standing Counsel for the respondents, no further adjudication is required. Hence, the Writ Petition is closed. However, liberty is given to the petitioner to make fresh representation, if the arrears of pension is not paid in accordance with law. No costs.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

pvs

To

1. The Managing Director,
The Tamil Nadu State Transport Corporation (Coimbatore) Ltd.,
No.37, Mettupalayam Road, Coimbatore 641 043.
2. The Administrator,
The Tamil Nadu Transport Corporation,
Employees Pension Fund Trust, Thiruvalluvar House,
Pallavan Salai, Chennai - 600 002.

+1cc to Mr.T.Chandrasekaran, Advocate, S.R.No.75153

W.P.No.5654 of 2011

ss (CO)
ssm(30/11/2018)