

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.09.2018
CORAM

THE HONOURABLE MR.JUSTICE SATRUGHANA PUJAHARI

W.P.No.23036 of 2018

Appadurai

...Petitioner

..vs..

1. The Managing Director
Tamil Nadu State Transport Corporation
Mount Road
Chennai
2. The General Manager
Tamil Nadu State Transport Corporation
Vellore Region,
Vellore - 9.
3. The Deputy Manager
Accounts and Audit and PF,
Tamil Nadu State Transport Corporation
Vellore Region
Vellore - 9.

...Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for a writ of Mandamus to direct the respondents to disburse the terminal benefits due to the petitioner including the pension from 01.09.2016 till date and also to nominate the name of the wife of the petitioner in the service record to entitle for the family pension after the life time of the petitioner, by considering the representation dated 08.08.2018.

For Petitioner: Mr. G. Rajan

For Respondents: Mr. P. Kannan Kumar

O R D E R

Mr.Kannan Kumar, learned Standing counsel accepts notice on behalf of the respondents. On consent of the parties, the case is taken up for disposal at the stage of admission without reply affidavit of the respondents.

2. This Writ Petition has been filed seeking for a direction to the respondents to disburse the terminal benefits due to the petitioner including the pension from 01.09.2016 till date and also record nomination of the name of the wife of the petitioner

in pension payment order and other documents to entitle her to get the family pension after the life time of the petitioner, by considering the representation dated 08.08.2018.

3. The learned counsel appearing for the petitioner, submits that while the petitioner was due to retire on 31.08.2016, the second respondent vide proceedings dated 23.10.2015, has relieved him from service and therefore the petitioner is entitled to get pension from 01.09.2016 and also the terminal benefits. But the same has not been disbursed to him till date, inspite of the representation made by him on 08.08.2018. Further, his request to record the nomination of his wife for the family pension in case he predeceased his wife has also not been acceded to. Therefore he prays that this Court may give necessary direction to dispose of his representation made by the petitioner, in this regard, in a time bound manner.

4. The learned standing counsel appearing for the respondents, submits that there is disputed claim with regard to his nomination of his wife and submits that the representation filed is also a recent one and as such the respondents cannot be said to be guilty of inaction. Hence, this Writ Petition be dismissed as devoid of merits.

5. It is true that the representation filed is a recent one and therefore the respondents cannot be said to be guilty of inaction. But, the representation is one for release of retiral benefit and record nomination of his wife. Hence, this Court directs the respondents to take an informed and considered decision on the representation of the petitioner dated 08.08.2018, on merits and in accordance with law, if there is no other legal impediment to do so, after putting on notice to the persons concerned if any who have any contested claim against such recording of nomination, within a period of six weeks from the date of receipt of a copy of this order. However, it is made clear that the order of this Court should not be construed as a direction to record the nomination of his wife towards family pension, unless the person to be nominated is legally entitled for the same and also a positive direction to pay the retiral benefit. No costs. Consequently, connected Miscellaneous Petition is closed.

s/d-
Assistant Registrar(CS VII)

True Copy

Sub-Assistant Registrar

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To

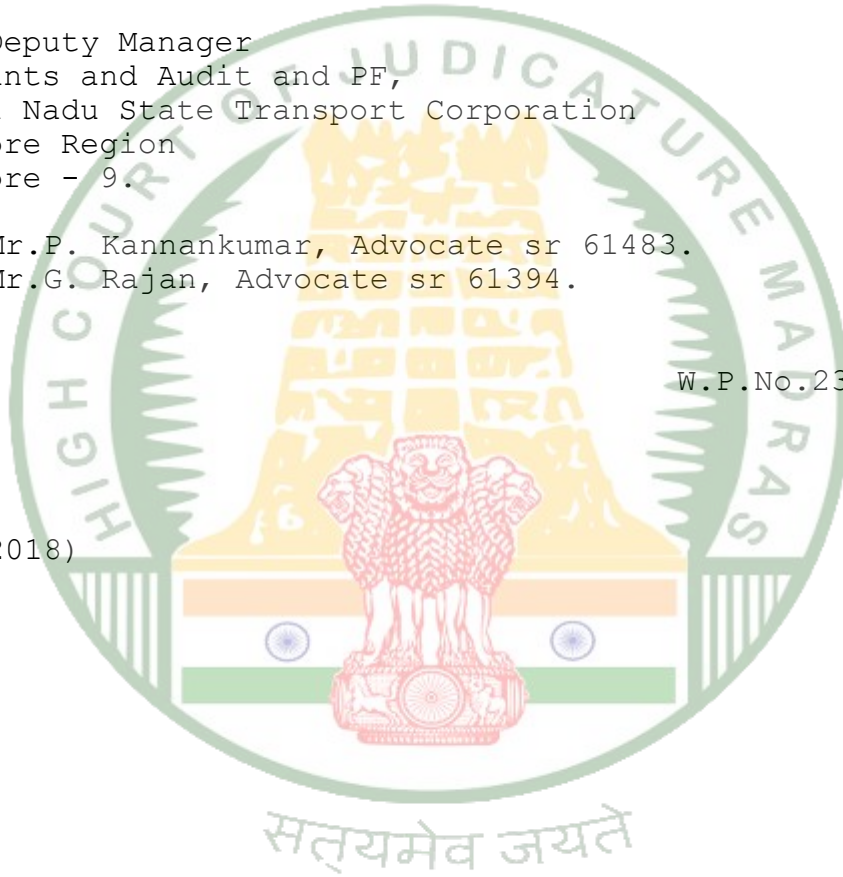
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+1 CC to Mr.P. Kannankumar, Advocate sr 61483.

+1 CC to Mr.G. Rajan, Advocate sr 61394.

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MR(CO)
SP(01/11/2018)



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