



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.01.2018

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD) Nos.5274 & 6448 of 2017

WEB COPY

N.Savithri

... Petitioner in W.P.No.5274 of 2017

A.Yesudoss

... Petitioner in W.P.No.6448 of 2017

Vs.

1. The Management of
Tamil Nadu State Transport Corporation
(Kumbakonam) Limited,
Kumbakonam Region,
Represented by its Managing Director,
Kumbakonam.

2. The Administrator,
Tamil Nadu State Transport Employees' Pension Fund Trust,
Thiruvalluvar Illam,
Anna Salai, Chennai-2.

...Respondents

Prayer in W.P.No.5274 of 2017 : Writ Petitions filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to pay the arrears of family pension to the petitioner for the period from 25.03.2012 to 31.07.2015 and also the arrears of pension payable to her husband/deceased retired employee S.Narayanasamy from 13.12.2000 to 24.03.2002, under TNSTCEPF rules, together with 18% interest p.a.

Prayer in W.P.No.6448 of 2017 : Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to pay the petitioner arrears of pension for the period from October, 2000 to August, 2015 under TNSTCEPF rules, together with 16% interest p.a.

In both petitions

For Petitioners : Mr.S.Arunachalam
For Respondents : Mr.D.Sivaraman for R1
: Mr.A.P.Muthupandian for R2

COMMON ORDER

Heard Mr.S.Arunachalam, learned counsel, appearing for the petitioner in both petitions and Mr.D.Sivaraman, learned Standing Counsel, appearing for the first respondent and Mr.A.P.Muthupandian, learned counsel, appearing for the second respondent.



2.By consent of both the parties, the main Writ Petitions are taken up for final disposal.

3.The petitioner in W.P.(MD).No.6448 of 2017 was an employee in the first respondent/Transport Corporation.

4.In W.P.(MD).No.5274 of 2017, the deceased husband of the petitioner was working in the first respondent/Transport Corporation. Both the employees retired voluntarily from their service.

5.The issue is whether such employees who went on voluntary retirement are entitled to get pension and other benefits. The issue is *no longer res integra*. The Division Bench of this Court in the decision reported in **2015 (1) LLJ 336-(Tamil Nadu State Transport Corporation, Employees' Pension Trust, Represented by its Administrator, Chennai-2 Vs. State Transport and Transport Corporation, Retired Employees Welfare Association, Represented by its Secretary, Chennai-2 and others)**, held that even an employee who went on voluntary retirement is entitled to get the pensionary and other retiral benefits. The same was followed in order dated 29.11.2016 made in W.P.(MD).No.11117 of 2016. This Court directed the second respondent Corporation to sanction pension arrears and pay in six equal monthly installments. Following the said decision, I am inclined to allow both the writ petitions.

6.The learned counsel appearing for the first respondent would submit that necessary proposals have already been forwarded to the second respondent. The said submission is recorded.

7.The second respondent is therefore directed to sanction the pension arrears and pay the same in six equal monthly installments. The first installment shall commence by making payment on or before 10.02.2018.

8.Both the Writ Petitions stand allowed. No costs.

Sd/-

Assistant Registrar(CS-I)

/True Copy/

Sub Assistant Registrar

+1cc to Mr.S.Arunachalam, Advocate Sr.No.41937

+2cc to Mr.D.Sivaraman, Advocate Sr.No.41370,41371

TSG

VB/KKR/SAR2/02.02.2018/2P/4C