

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.11.2019

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.18047 of 2019

N.Samyappan

... Petitioner

Vs.

1.The Managing Director,
Tamil Nadu State Transport Corporation Limited,
New Railway Station Road,
Kumbakonam - 612 001.

2. General Manager,
Tamil Nadu State Transport Corporation Limited,
Periya Milagu Parai,
Trichy - 620 001.

3. The Administrator,
The Tamil Nadu State Transport Corporation,
Pension Trust Fund,
Thiruvallvar House,
Pallavan Salai,
Chennai 600 002

... Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to pay the monthly pension eligible to the petitioner as per rule 13 of the Tamil Nadu State Transport Corporation pension Fund Rules by rounding off the fraction of more than 6 months of qualifying service as one year and disburse his monthly pension amount after adjusting the amount in the arrears amount to be paid to him the portion of employer contribution of provident fund amount settled to him with interest.

For Petitioner : Mr.A.Rajendran

For Respondents : Mr.D.Venkatachalam,
Additional Government Pleader

O R D E R

By consent, this writ petition is taken up for final disposal at the admission stage itself.

2. The case of the petitioner is that the petitioner joined the service of the 1st respondent Corporation as Driver with effect from 16.11.1995 and was working in Musiri Branch

of the 2nd respondent corporation. The petitioner was superannuated from service on 30.09.2008 vide order reference No.TNSTC/Trichy/PD-P1/1762/2008. Thereafter, the 1st respondent corporation had issued a letter vide reference No.TNSTC/Kumba/Trichy/Pension/103/15 dated 29.07.2015 informing that the petitioner had rendered only qualifying service of 9 years 6 months and 21 days and hence, he is not entitled for monthly pension. Aggrieved by the said impugned order, the petitioner called for the records from Right to Information Act and found that his qualifying service as 9 years 6 months and 21 days. The grievance now expressed by the petitioner is that as per Tamil Nadu State Transport Corporation Pension Fund Rules, he is eligible for pension and his qualifying service can be round off to 10 years if it exceeds more than 6 months. In this regard, the petitioner submitted a representation dated 10.06.2019, to consider his case for pension. Since no response is forthcoming, the petitioner came forward to file this writ petition.

3.Heard both sides.

4.The learned counsel for the petitioner submitted that it would be suffice, if a direction is issued to the respondent to consider the representation of the petitioner dated 10.06.2019 and pass orders, within a stipulated time fixed by this Court.

5.Though the petitioner has sought for a larger relief, this Court without going into the merits of the case, directs the respondent to consider the petitioner's representation dated 10.06.2019, as per Tamil Nadu State Transport Corporation Pension Fund Rules and pass orders on merits and in accordance with law within a period of twelve weeks from the date of receipt of copy of this order.

6.With the above direction, this writ petition stands disposed of. No costs. सत्यमेव जयते

Sd/-

Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

Rka

To

1.The Managing Director,
Tamil Nadu State Transport Corporation Limited,
New Railway Station Road,
Kumbakonam - 612 001.

2. General Manager,
Tamil Nadu State Transport Corporation Limited,
Periya Milagu Parai, Trichy - 620 001.

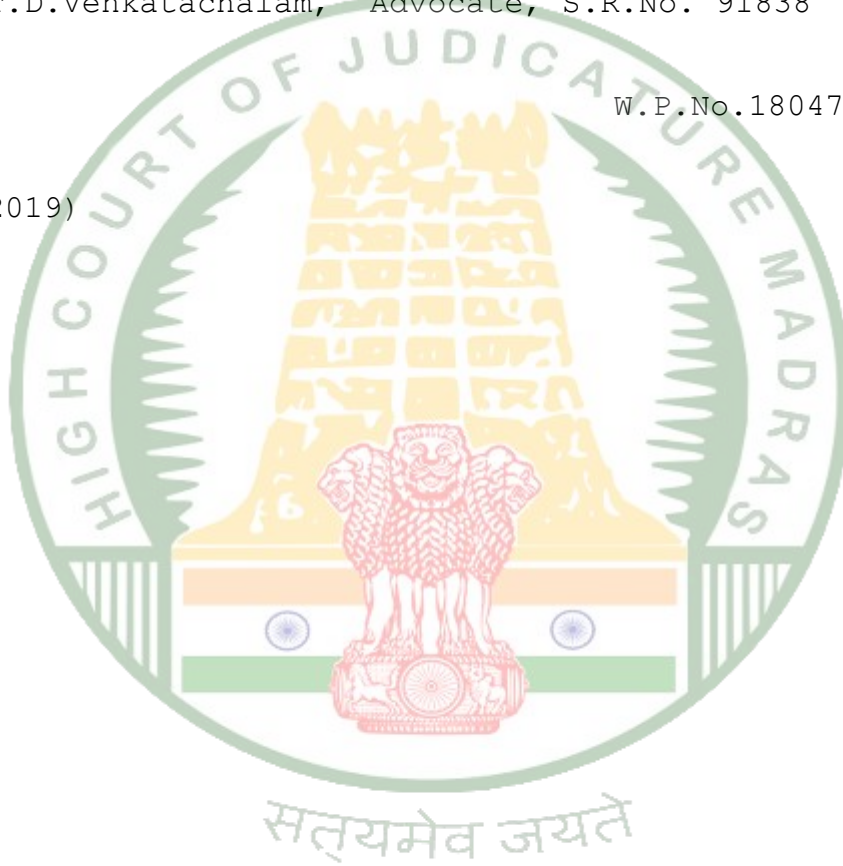
3. The Administrator, The Tamil Nadu State Transport
Corporation,
Pension Trust Fund, Thiruvallvar House,
Pallavan Salai, Chennai 600 002

+1cc to Mr.A.Rajendiran, Advocate, S.R.No. 91689

+1cc to Mr.D.Venkatachalam, Advocate, S.R.No. 91838

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NR(CO)
GN(12/12/2019)



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