

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 19.12.2019

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.20089 of 2019

P.G.Venugopal

... Petitioner

-Vs-

1.The Secretary to Government
Transport Department
Fort St.George, Chennai-600 009.

2.The Managing Director
Metropolitan Transport Corporation
(Chennai) Ltd.,
Pallavan Illam, Anna Salai
Chennai-600 002.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to claim and pay the petitioner pension regularly every month with arrears of pension from 1.4.2009 with interest @ 9% p.a. to till the month of pension is paid regularly.

For Petitioner : Mr.V.Balamurugan

For Respondents : Mr.P.S.Sivashanmugasundaram
Special Government Pleader for R1

Mrs.Rajeni Ramadoss
Standing Counsel for R2

O R D E R

This writ petition has been filed for issuance of Writ of Mandamus directing the 2nd respondent Transport Corporation to pay the pension regularly to the petitioner every month with arrears of pension from 01.04.2009 with interest at the rate of 9% till the regular pension is paid.

2.It is seen from records that the petitioner was appointed in permanent vacancy as a Conductor in the year 1971 in the erstwhile Tamil Nadu State Transport Department. His services were regularized. Thereafter, he was absorbed in the newly

formed Pallavan Transport Corporation. The petitioner submitted his voluntary retirement and it was accepted and he was relieved from services on 31.05.1995.

3.It is the further case of the petitioner that the Government of Tamil Nadu had issued G.O.(Ms.)No.42 dated 27.05.2005 pursuant to the judgment of the Hon'ble Supreme Court to the effect that pension must be paid to those employees who are appointed in the erstwhile Tamil Nadu State Transport Department and thereafter were placed on deputation to the Pallavan Transport Corporation Limited and completed ten years of service as on 01.04.1982.

4.The petitioner requested the respondents to pay the pension in accordance with the above said Government Order. His request was not considered. Subsequently, the petitioner filed a claim petition before the Labour Court in Claim Petition No.59 of 2009 seeking for a monetary value of the pension arrears from 01.01.1988 to 31.03.2009. The claim petition was allowed by the Labour Court by an order dated 27.09.2013 and the respondents were directed to pay a sum of Rs.3,61,847/- with 12% interest within a period of eight weeks. This order was put to challenge before this Court in W.P.No.14330 of 2014 and the writ petition was dismissed and it was further confirmed by this Court in the Writ Appeal and in the SLP that was filed before the Hon'ble Supreme Court.

5.In spite of above developments, the respondents failed to pay the computed money value of arrears of pension and therefore, the petitioner filed an Execution Petition. After the filing of the execution petition, the pension arrears up to 31.03.2009 was paid to the petitioner. Thereafter, the petitioner requested the second respondent to pay regular pension with arrears of pension from 01.04.2009. This request made by the petitioner was not considered and left with no other option, the petitioner has approached this Court by filing the present writ petition seeking for appropriate directions.

7.Heard the learned counsel on either side and perused the materials available on record.

8.There is no doubt regarding the entitlement of the pension payable to the petitioner since the same has been confirmed by the order of the Labour Court, which was further confirmed by this Court. It was only pursuant to the orders passed by the Labour Court in the Claim Petition, the petitioner was paid pension arrears up to 31.03.2009. Therefore, it is not necessary for this Court to consider the issue as to whether the petitioner will be entitled for the pension at this stage. The only consideration is with regard to the direction that requires

to be given to the second respondent for payment of regular pension to the petitioner and for payment of arrears of pension from 01.04.2009 till the date of payment of the regular pension.

9.The petitioner, who had put in nearly 25 years of service and who is aged about 74 years has been knocking the doors of the Court at every stage claiming for pension benefits. Every time, the amount is paid to the petitioner only after a prolonged legal battle. This is one more occasion, where the petitioner has been made to approach this Court seeking for payment of pension and arrears of pension.

10.In view of the above discussion, since this Court had already found that the petitioner has a requisite qualification of 10 years as prescribed in G.O.(Ms.)No.42 dated 27.05.2005, the natural corollary must be to direct the respondent to pay the pension and the arrears of pension.

11.This writ petition is disposed of with a direction to the petitioner to make a fresh representation to the second respondent by giving complete particulars with all supporting materials. The second respondent on receipt of the representation from the petitioner shall process the same and forward it to the first respondent within a period of six weeks from the date of receipt of the representation. The first respondent on receipt of the proposal from the second respondent shall pass necessary orders with regard to payment of regular pension to the petitioner as well as the arrears of pension with interest from 01.04.2009 till the payment of regular pension. This process shall be completed by the first respondent within a period of 12 weeks thereafter. The petitioner is already aged about 74 years and therefore the time fixed by this Court will have to be strictly complied with and the necessary orders will have to be passed to ensure that the petitioner gets the benefits at the earliest possible date.

12.This writ petition is disposed of with the above directions. No costs.

Sd/-

Assistant Registrar

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Sub Assistant Registrar

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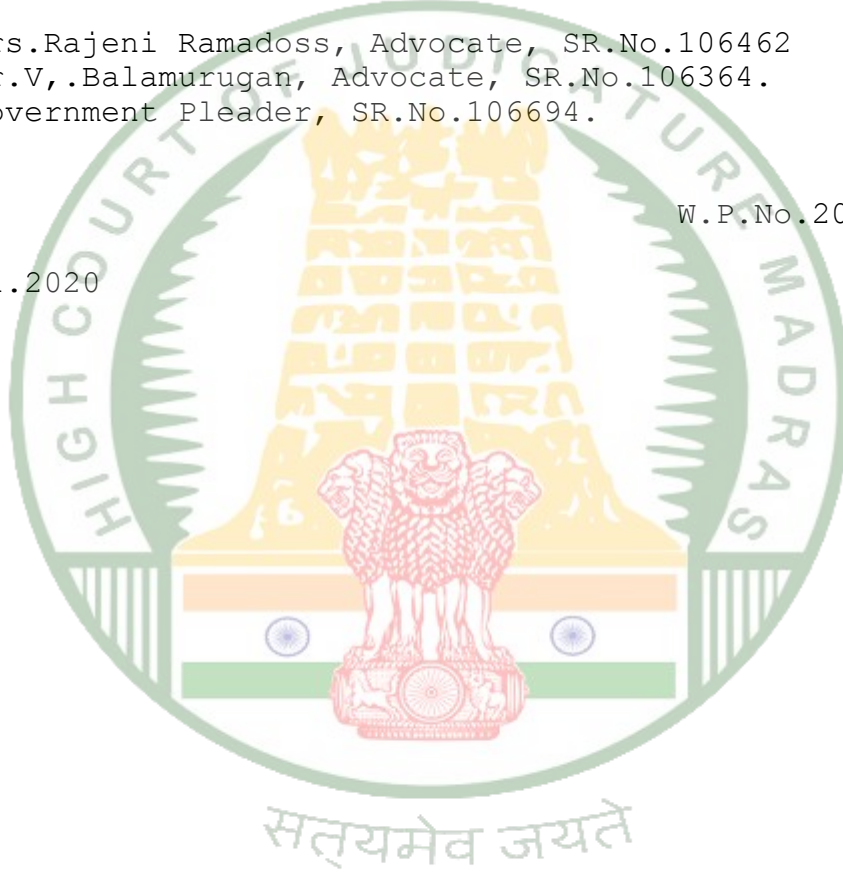
To

1. The Secretary to Government
Transport Department
Fort St.George, Chennai-600 009.
2. The Managing Director
Metropolitan Transport Corporation
(Chennai) Ltd.,
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Chennai-600 002.

+1cc to Mrs.Rajeni Ramadoss, Advocate, SR.No.106462
+1cc to Mr.V,.Balamurugan, Advocate, SR.No.106364.
+1cc to Government Pleader, SR.No.106694.

W.P.No.20089 of 2019

SSI(CO)
CSR: 31.01.2020



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