

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.09.2019

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.27733 of 2019

N.Muthuswamy

... Petitioner

Vs.

1.The Additional Chief Secretary
Transport Department
St. George's Fort
Chennai 600 009

2.The Managing Director
Tamil Nadu State Transport Corporation (Villupuram) Ltd.,
Villupuram

3.The Administrator
Tamilnadu State Transport Corporation Employees Pension
Fund Trust
Pallavan Salai
Chennai-1

... Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the 3rd respondent to pay the dearness allowance withheld from July 2016 to January 2017 along with interest computed at the rate of 18% per annum from the date of actual till the date of realization.

For Petitioner : Mr.P.Paramasiva Doss

For Respondents : Mrs.R.Janaki, AGP
Mr.A.Antony Arockiaraja for R2

O R D E R

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

2.The case of the petitioner is that he was absorbed permanently in the Thanthai Periyar Transport Corporation on

01.04.1989 and got retired on 31.05.2013. The petitioner is drawing the pension from the date of retirement. The petitioner for the purpose of attending the maternity of his daughter and to attend to her labour, constrained to travel to U.S.A. and stayed there from July 2016 to January 2017, which was informed to the 3rd respondent. To the shock and dismay, the petitioner's pension was reduced from Rs.13,178/- to Rs.7,044/- and the 3rd respondent restored the normal pension on February 2017. When the same was informed to the respondent, he was informed that the dearness allowance was not eligible to pensioner who stays abroad. On further enquiry, the petitioner was informed that the reduction of dearness allowance was done as per G.O.Ms.No.795, Finance (Pension) Department dated 12.10.1995, which discloses that the order is applicable for the Government Employees and only in the event of the Government Pensioner undertakes an employment abroad, but, the petitioner has travelled only for attending his daughter's medical treatment. Hence, the petitioner approached the 3rd respondent for the realization of the dearness allowance attached. But no action was forthcoming. The petitioner has also sent a representation dated 08.06.2018, but the same was not considered till date. Hence, the petitioner is before this Court.

3.The learned counsel for the petitioner would further submit that it would suffice if a direction is issued to the 3rd respondent to consider the representation dated 08.06.2018 made by the petitioner, within a reasonable time fixed by this Court.

4.The learned Additional Government Pleader would accede to the submission made by the learned counsel for the petitioner and submitted that the same will be considered on merits and in accordance with law.

5.Thus, without going into the merits of the case, this Court is inclined to direct the 3rd respondent to consider the representation dated 08.06.2018 made by the petitioner 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 directions, the writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar (CS-V)

//True copy//

Sub Assistant Registrar

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To

1.The Additional Chief Secretary
Transport Department
St. George's Fort
Chennai 600 009

2.The Managing Director
Tamil Nadu State Transport Corporation (Villupuram) Ltd.,
Villupuram

3.The Administrator
Tamilnadu State Transport Corporation Employees Pension
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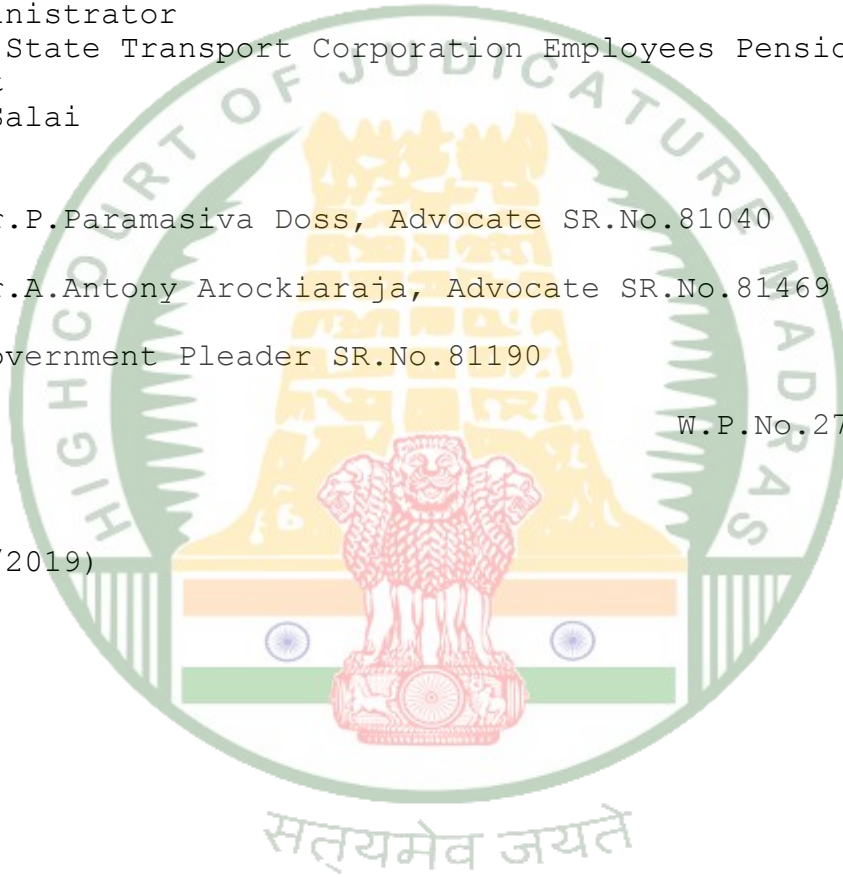
+1cc to Mr.P.Paramasiva Doss, Advocate SR.No.81040

+1cc to Mr.A.Antony Arockiaraja, Advocate SR.No.81469

+1cc to Government Pleader SR.No.81190

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SVI (CO)
GMY (04/11/2019)



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