

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.11.2019

CORAM :

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P. No.33115 OF 2019

Subramanian

... Petitioner

Versus

1. The Managing Director,
Tamil Nadu State Transport Corporation
(Salem) Ltd.,
No.12, Ramakrishna Road,
Salem - 7.

2. The Administrator,
TNSTC Employers Pension Fund Trust Department,
No.2, State Express Transport,
Thiruvalluvar House, Pallavan Salai,
Chennai - 2.

... Respondents

Writ Petition filed under Article 226 of The Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents to consider the petitioner's representation dated 11.10.2019 and all retirement benefit and pay pension arrears of pension amount and continue payment of pension to the petitioner.

For Petitioner : Mr.K.Thiruvengadam

For Respondents : Mr.R.K.Gandhi

ORDER

The prayer in this writ petition is for issuance of a Writ of Mandamus directing the respondents to consider the petitioner's representation dated 11.10.2019 and to pay all retirement benefit and pension arrears and continue the payment of pension to the petitioner.

2. It is the case of the petitioner that he was appointed as Driver on 01.01.1981 in Tamil Nadu State Transport Corporation,

Salem, Tirupathur Branch, Dharmapuri Division. Due to viral fever he was unable to attend duty for two weeks for which he gave Doctor Certificate but the first respondent did not consider his request and dismissed the petitioner from service based on unauthorised absent by order dated 04.11.1996 The petitioner challenged the said order before the Labour Court and was ordered to reinstatement with continuity of service and he retired from service on 30.06.2010. As per Tamil Nadu Pension Rules a person who completes 10 years are eligible for pension but the first respondent has not awarded to him. Hence the petitioner gave representations to the respondents directly on 11.10.2019 and through registered post on 14.10.2019. Since the petitioner's representation has not been considered by the respondents herein the present writ petition is filed.

3. The learned counsel appearing for the respondents would submit that there is no explanation from the petitioner for the delay of 9 years after his retirement in submitting the representation.

4. It is seen that the petitioner has made representation only after a period of 9 years. Since the representation has been made belatedly and there is no explanation for the same, this Court is not inclined to entertain the prayer sought for. According the writ petition stands dismissed. No costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

सत्यमेव जयते

To

1. The Managing Director,
Tamil Nadu State Transport Corporation
(Salem) Ltd.,
No.12, Ramakrishna Road,
Salem - 7.

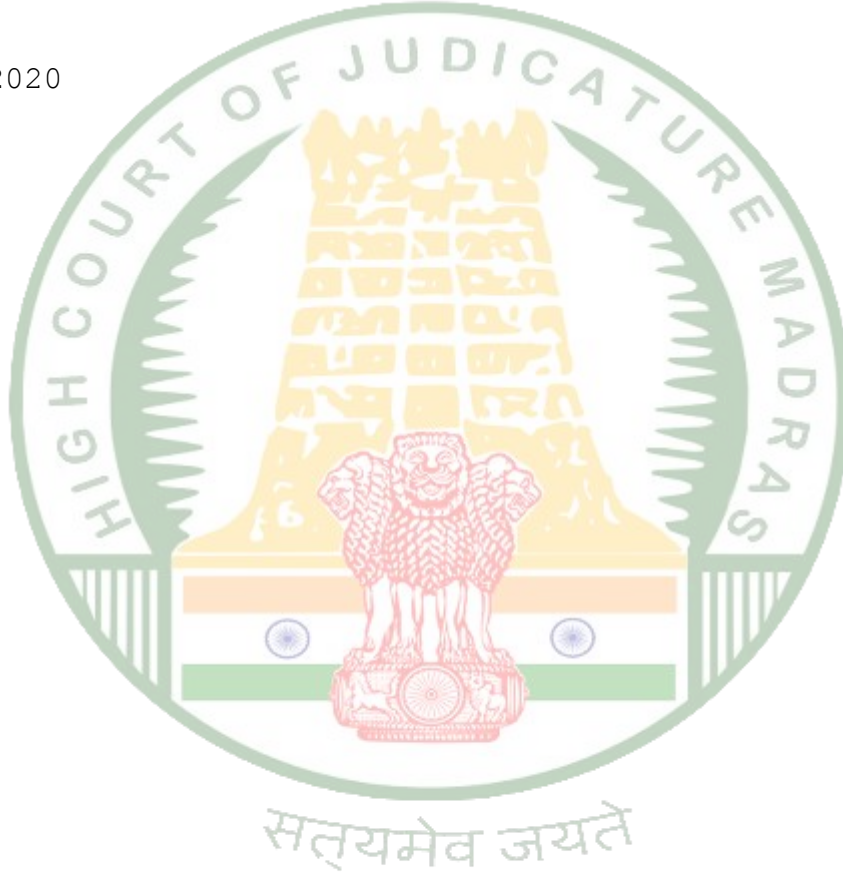
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2. The Administrator,
TNSTC Employers Pension Fund Trust Department,
No.2, State Express Transport,
Thiruvalluvar House, Pallavan Salai,
Chennai - 2.

+2cc to Mr.K.Thiruvengadam, Advocate sr.99872

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nr 04/02/2020



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