



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.10.2019

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P. (MD)Nos.20035 & 20036 of 2018

WEB COPY

W.P(MD)No.20035 of 2018

G.Antonymuthu

... Petitioner

Vs.

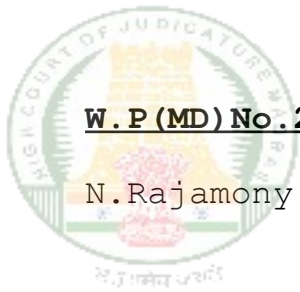
1.The Managing Director,
Tamilnadu State Transport Corporation,
Tirunelveli Limited,
Tirunelveli-627 003.

2.The General Manager,
Tamilnadu State Transport Corporation,
Tirunelveli Limited,
Nagercoil Region,
Ranithottam,
Nagercoil-1.

3.The Administrator,
Tamilnadu State Transport Corporation,
Employees Pension Fund Trust,
Thiruvalluvar Illam,
Pallavansalai,
Chennai-600 002.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the entire records pertaining to the impugned Memo No.4030/Legal9/TNSTC (TNLY)/ Nagar./2017-2 dated 23.10.2017 issued by the second respondent and quash the same as illegal and consequently direct the respondents to issue the pension and other retirement benefits along with arrears on the basis of the service period from 01.04.1982 to 30.06.1998 in view of the cut off date was fixed by the Hon'ble Supreme Court in SLA.(C)No.19016/2008.



W.P (MD) No.20036 of 2018

N.Rajamony

... Petitioner

Vs.

1.The Managing Director,
Tamilnadu State Transport Corporation,
Tirunelveli Limited,
Tirunelveli-627 003.

2.The General Manager,
Tamilnadu State Transport Corporation,
Tirunelveli Limited,
Nagercoil Region,
Ranithottam,
Nagercoil-1.

3.The Administrator,
Tamilnadu State Transport Corporation,
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Pallavansalai,
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... Respondents

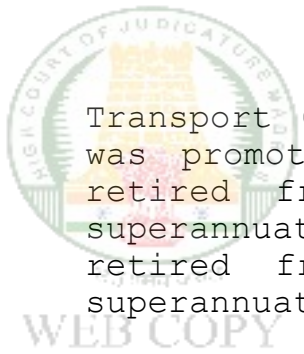
PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the entire records pertaining to the impugned Memo No.4030/Legal9/TNSTC (TNLY)/ Nagar./2017-1 dated 23.10.2017 issued by the second respondent and quash the same as illegal and consequently direct the respondents to issue the pension and other retirement benefits along with arrears on the basis of the service period from 01.04.1982 to 29.02.1996 in view of the cut off date was fixed by the Hon'ble Supreme Court in SLA.(C)No.19016/2008.

For Petitioners : Mr.K.Suresh Kumar
For R1 & R2 : Mr.K.Sathiyasingh

COMMON ORDER

The issue involved in both the writ petitions is interlinked and therefore, both the writ petitions are heard together and disposed of by this common order.

2. The petitioners were originally appointed as conductor in the Transport Corporation on various dates. After regularisation, the State Government formed Government Companies to run Transport Companies in October, 1973. Accordingly, Kattabomman Transport Corporation was formed with Headquarters at Nagercoil with effect from 01.01.1974. The petitioners were absorbed in Kattabomman



Transport Corporation. The petitioner in W.P(MD)No.20035 of 2018 was promoted as Senior Checking Inspector in the year 1989 and retired from service on 30.06.1998 on attaining the age of superannuation. The petitioner in W.P(MD)No.20036 of 2018 was retired from service on 29.02.1996 on attaining the age of superannuation.

3. According to the petitioners, the pension was granted to them taking into account their service in State Transport Department to the period from 1.5.1965 to 31.03.1982 and 01.01.1968 to 31.03.1982 respectively. They are entitled to pension calculating their services from the date of their original appointment till the date of their retirement i.e., for the period from 1.5.1965 to 30.06.1998 and for the period from 01.01.1968 to 29.02.1996 respectively. The Government had sanctioned pension only for the period from 01.05.1965 to 31.03.1982 to the petitioner in W.P(MD) No.20035 of 2018 and from 01.01.1968 to 31.03.1982 to the petitioner in W.P(MD)No.20036 of 2018. Hence, the respondents have not paid the pension and other retirement benefits for the remaining period. Therefore, the petitioners have given various representations to the respondents and the same were not considered by the respondents. Hence, the petitioners approached this Court by way of writ petitions in W.P(MD)Nos.8153 & 8152 of 2017. This Court by order dated 27.04.2017, directed the respondents to pay the terminal benefits to the petitioners. However, the respondents have not settled the terminal benefits to the petitioners and therefore, the petitioners filed contempt petitions before this Court in Cont.P(MD) Nos.2162 & 2161 of 2017. After receiving the notice, the second respondent has passed the impugned memo dated 23.10.2017, which is challenged in these writ petitions.

4. The learned counsel appearing for the petitioners submitted that this issue was considered by the Division Bench of this Court in its order dated 16.04.2008, made in W.A.No.3265 of 2002. The Division Bench of this Court held that the similarly placed employees like the petitioners, are entitled for pension for the period of service rendered by them in the Corporation. Aggrieved by the said judgment, the State Government has filed SLP(Civil) No(s). 19016/2008 and the same was dismissed on 07.02.2013. Subsequently, this Court in number of cases, granted the same relief to the employees like petitioners and prayed for allowing both writ petitions.

5. Heard the learned counsel appearing for the petitioners and the learned counsel appearing for the respondents 1 & 2 and perused the materials available on record.

6. The issue whether the petitioners are entitled for pension by taking into account their services rendered in the Transport Corporation, is no longer res integra. It is well settled that the services rendered by the employees like petitioners in the Transport



Corporation is taking into account for calculating the pension payable to the petitioners.

7. Mr.K.Sathiyasingh, learned counsel appearing for the respondents 1 & 2 submitted that in view of the financial position of the Transport Corporation, the arrears of pension may be permitted to be paid in instalments.

8. Taking into consideration the said submission of the learned counsel for the respondents 1 & 2, the second respondent is directed to pay 25% of the arrears together with interest at the rate of 6% per annum on or before 5th December 2019 and the balance 75% amount shall be paid in twelve (12) equal monthly instalments starting from 5th January, 2020 together with interest at the rate of 12% per annum. If the respondents committed any default in paying any instalments, the respondents are directed to pay the amounts due together with interest at the rate of 18% p.a.,

9. In view of the same, the impugned order of the second respondent, dated 23.10.2017 is quashed and both the writ petitions are allowed. No costs.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar(CS)

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+2 CC to M/s.K.SURESH KUMAR, Advocate SR-94209 & 94210.
+2 CC to M/s.K.SATHIYA SINGH, Advocate SR- 94955 & 94956.

W.P. (MD) Nos.20035 & 20036 of 2018
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