



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **31.07.2020**

CORAM

WEB COPY

THE HON'BLE MR.JUSTICE R.SURESH KUMAR

W.P.(MD)No.4714 of 2020

KR.Shanmugam

... Petitioner

-Vs-

- 1.The State of Tamil Nadu,
rep., by the Secretary to Government,
Transport Department,
Fort St.George,
Chennai 600 009.
- 2.The State of Tamil Nadu,
rep., by the Secretary to Government,
Finance Department,
Fort St.George,
Chennai 600 009.
- 3.The Managing Director,
Tamil Nadu State Transport Corporations
(Kumbakonam) Ltd.,
Karaikudi,
Sivagangai District.

...Respondents

Prayer: Writ Petition is filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, to direct the respondents 1 to 3 to consider the petitioner's representation dated 20.12.2019 and to grant pension as per the settled principles of law.

For Petitioner : Mr.M.Siddharthan
For Respondents : Mr.K.Mu.Muthu
Additional Government Pleader
for R1 & R2

Mr.P.Balasubramanian
Standing Counsel for R3

ORDER

The prayer sought for herein is for a Writ of Mandamus, to direct the respondents 1 to 3 to consider the petitioner's representation dated 20.12.2019 and to grant pension as per the settled principles of law.



2.Heard Mr.M.Siddharthan, learned counsel appearing for the petitioner, Mr.K.Mu.Muthu, learned Additional Government Pleader appearing for the respondents 1 and 2 and Mr.P.Balasubramanian, learned Standing Counsel appearing for the third respondent.

WEB COPY

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

4.The petitioner, after having rendered service of 30 years as Conductor at the third respondent Corporation, retired from service, on superannuation, on 31.07.1987 itself. Now, the petitioner is about 89 years old. His grievance is that, his pensionary benefits has not been sofar given. Therefore, he had been continuously making representation to the respondents and last such representation, he has made on 20.12.2019 also, has not been considered and it has been kept pending. Therefore, the petitioner is before this Court.

5.In this context, the learned counsel appearing for the petitioner submits that, if the said representation of the petitioner is directed to be considered by the third respondent Corporation on merits and in accordance with law and accordingly, orders are passed towards the sanctioning of pension to the petitioner, the petitioner would be satisfied.

6.The learned Standing Counsel appearing for the respondent Transport Corporation, would submit that, whether the petitioner would be entitled to get such a pensionary benefits since he retired in the year 1987, can be considered on merits and in accordance with law and accordingly, final order would be passed within a time frame.

7.Considering the said submissions made by both sides, this Court is inclined to dispose of this writ petition with the following directions:

'that the respondents, especially the third respondent is hereby directed to consider the representation of the petitioner dated 20.12.2019 and pass orders thereon on merits and in accordance with law with regard to his grievance of getting pension as he retired long back and he is now 89 years old. Therefore, such final order, after considering the same, be passed by the third respondent within a period of six (6) weeks from the date of receipt of a copy of this order.'



8. With the above directions, this Writ Petition is disposed of.
No costs.

WEB COPY

Sd/-

Assistant Registrar

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the Advocate/litigant concerned.

To

1. The Secretary to Government,
State of Tamil Nadu,
Transport Department,
Fort St. George,
Chennai 600 009.
2. The Secretary to Government,
State of Tamil Nadu,
Finance Department,
Fort St. George,
Chennai 600 009.
3. The Managing Director,
Tamilnadu State Transport corporations
(kumbakonam) ltd.,
karaikudi, Sivagangai District.

W.P. (MD)No.4714 of 2020

31.07.2020

rmk

Kv(21.08.2020) 3P 4C