



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.09.2020

CORAM:

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P. (MD)No.12401 of 2020
(Through Video Conferencing)

R.Nagarajan

... Petitioner

Vs.

1.The Managing Director,
Tamilnadu State Transport Corporation (KUM) Ltd.,
New Railway Station Road,
Kumbakonam,
Thanjavur District-612 001.

2.The General Manager,
Tamilnadu State Transport Corporation (KUM) Ltd.,
Karaikudi Region,
Mardhupathi, Managiri Post,
Sivagangai District.

3.The Administrator
Tamilnadu State Transport Corporation
Employees Pensions Fund Trust,
Thiruvalluvar Illam,
Pallavan Salai
Chennai-2

... Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to direct the respondents to settle the petitioners difference commutation amount of Rs.5,00,000/- together with interest at the rate of 18% per annum payable from 30.06.2017 the date of the retirement of the petitioner to till the date of actual payment.

For Petitioner :Mr.K.Gokul

For Respondents :Mr.P.Balasubramanian
Standing counsel

ORDER

The prayer in the writ petition is for issuance of a Writ of Mandamus to direct the respondents to settle the petitioners difference commutation amount of Rs.5,00,000/- together with interest at the rate of 18% per annum payable from 30.06.2017 the



date of the retirement of the petitioner to till the date of actual payment.

2.The petitioner joined as a Conductor at the respondent Transport Corporation in the year 1986 and thereafter after serving long years, he was promoted as Senior Conductor and on superannuation, retired from service on 30.06.2017.

3. The retiral benefits was disbursed to the petitioner sometime in December 2017. However, subsequently some wage settlement reached between the employer and employee, which was taken place subsequent to the retirement of the petitioner. However, the effect of such settlement seems to have been taken from September 2016. Therefore, on that basis, if the petitioner's pay is revised between 2016 and 17, he would have been in a position to receive higher pay and accordingly or correspondingly the commutation of pension also would have been different.

4. In this context, it is the claim of the petitioner that, atleast a sum of Rs.5,00,000/- have to be paid to the petitioner by way of commutation of pension on the basis of the revised pay based on the wage settlement. However, the same, since has not been made and the said additional commutation, since has not been paid to the petitioner, he has given a representation on 07.09.2020 and the said representation also since has not been considered, the petitioner is before this Court.

5. In this context, the learned counsel for the petitioner would submit that, if the said request of the petitioner dated 07.09.2020 is directed to be considered by the respondents within a time frame and accordingly, the needful is done by the respondents as per the entitlement of the petitioner, the petitioner would be satisfied.

6. Heard the learned standing counsel for the respondent Corporation, who would submit that, the said request of the petitioner dated 07.09.2020 will be considered on merits and in accordance with law, where the claim of the petitioner as to whether he is entitled to get commutation of pension as claimed by him in the said representation would be considered and depending upon the eligibility of the petitioner, the amount would be calculated and disbursed within a time frame to be stipulated by this Court.

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

"That the respondents are hereby directed to consider the request of the petitioner dated 07.09.2020 on merits and in accordance with law, and whether the entitlement of the petitioner to get higher commutation and pension can be decided and any revised amount by way of commutation of pension



have to be paid, the same shall be calculated and paid to the petitioner within a period of four months from the date of receipt of a copy of this order."

8. With the above directions, the writ petition is disposed of.
No costs.

WEB COPY

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

RR

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.

+1cc to Mr.P.Balasubramanian, Advocate Sr.No.18014

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23.09.2020

CK (CO)

NR (08/01/2020) 3P : 2C