

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED 31.03.2021
CORAM :
THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN
W.P.No.1698 of 2021

A.Ponnambalam

... Petitioner

Vs.

The State Express Transport Corporation,
rep. by its Managing Director,
No.2, Pallavan Salai,
Chennai 600 002.

... Respondent

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of Mandamus, directing the Respondent to take the Petitioner's qualifying period of service from 01.01.1989 to 31.08.1989 and pay full pension from 01.03.2019 and pay the consequential benefits and also to refund a sum of Rs.89,000/- recovered towards Transport Corporation Pension Scheme and a sum of Rs.4,500/- towards EEC and EMC with 6% interest.

For Petitioner : Mr.D.Soundar Raj

For Respondent : Mr.K.Kathiresan

ORDER

Petitioner has come up with this Writ Petition seeking a direction to Respondent to take his qualifying period of service from 01.01.1989 to 31.08.1989 and pay full pension from 01.03.2019 and pay the consequential benefits, and also to refund a sum of Rs.89,000/- recovered towards Transport Corporation Pension Scheme and a sum of Rs.4,500/- towards EEC and EMC, with 6% interest.

2. According to the Petitioner, he retired from the services of the Respondent Corporation on 28.02.2019 on attaining the age of superannuation. It is his case that, the Respondent, while calculating pension, took his qualifying service from 01.01.1989 to 31.08.1989 as 29 years, instead of 30 years and hence, he is unable to get full pension. In respect of his grievance, the Petitioner made a representation dated 08.02.2019 to the Respondent and the same is pending consideration.

3. Heard the learned counsel on either side and perused the material documents available on record.

4. Considering the facts and circumstances of the case, this Court directs the Respondent herein to consider the Petitioner's representation dated 08.02.2019 in accordance with law, after affording an opportunity of personal hearing to the Petitioner, and pass appropriate orders on the same, within a period of sixty days from the date of receipt of a copy of this order.

5. The Petitioner shall furnish his phone number, Email ID, if any, etc., along with a copy of his representation and a copy of this order to the Respondent, forthwith. The Respondent is directed to communicate the decision taken on the representation, to the Petitioner within a period of three weeks from the date of decision taken thereon, by way of SMS/Email/Registered Post/Speed Post, so that there is no need for the parties to file a Contempt Petition after expiry of the specified period. In case, Authorities concerned fail to send communication to the parties, they will have to face civil imprisonment in case of contempt proceedings and, if they are unable to serve the order and the cover being returned unserved for one reason or the other, the same shall be kept in the file without opening it for the sake of proof of delivery, so that the parties, at a later point of time, will not take a plea that, they are not aware of the order of this Court.

With the above direction and observation, this Writ Petition stands disposed of. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

(aeb)

To:

The Managing Director,
State Express Transport Corporation,
No.2, Pallavan Salai,
Chennai 600 002.

+1 cc to Mr.D.Soundarraaj, Advocate, SR.NO.21529
+1 cc to Mr.K.Kathiresan, Advocate, SR.NO.21356

W.P.No.1698 of 2021

PL(CO)
NS(10/05/2021)