



IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 19.01.2021

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.13043 of 2014

S.Kothandan

... Petitioner

Vs

1.The Managing Director,
Tamil Nadu State Transport Corporation
Villupuram Ltd, Villupuram 605 602.

2.The Administrator/Secretary,
Tamil Nadu State Transport Corporation
Employees Pension Fund Trust,
Thiruvalluvar Illam,
Pallavan Salai, Chennai 600 002.
Respondents

...

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the respondents to pay arrears of pension calculated from January 2012 to till date with interest at the rate of 9% for the belated payment and continue to pay the monthly pension for 19 years service rendered in Transport Corporation by the petitioner from 10.07.1986 to 31.01.2005 within a time frame.

For Petitioner	: Mr.R.Y.George Williams
For Respondents	: Mr.C.S.K.Sathish Standing Counsel

ORDER

The prayer made in this writ petition is to direct the respondents to pay arrears of pension calculated from January 2012 to till date with interest at the rate of 9% for the belated payment and continue to pay the monthly pension for 19 years of service rendered by the petitioner in the Transport Corporation within a time frame to be stipulated by this Court.

2.According to the petitioner, he was initially appointed as Technical Staff on 02.12.1974 in the Central Kitchen Vehicle Workshop which was under the control of School Education Department, Vikravandi and continued to work till 08.07.1986. While so, the Government issued G.O.Ms.No.312, Education Department, dated 11.03.1986 thereby transferring the Central Kitchen Vehicle maintenance Workshop, Vikravandi, to the



Thanthai Periyar Transport Corporation with immediate effect. Pursuant to the same, all the staffs working in the said workshop were absorbed by the Transport corporation. Subsequently, as per the order of the Tribunal and in terms of G.O.Ms.No.21, Education Department, dated 24.01.2008, the petitioner was receiving pension for the service rendered from 1974 to 1986 in the Education department and he was also transferred to the Transport Department and appointed as trainee on consolidated pay from 10.07.1986. On reaching the age of superannuation, he retired from service on 31.01.2005 and he was paid pension from 01.02.2005 to 31.12.2011, which was stopped thereafter stating that he was getting pension through Treasury for his earlier service rendered in the Education Department. Hence, he made a representation dated 16.09.2013 to the respondents requesting to take appropriate action to pay pension from 2012. Finding no response on the same, the petitioner has come up with this writ petition for the aforesaid relief.

3.The learned counsel for the petitioner submitted that though the petitioner served more than 19 years of service in the Transport Corporation i.e., from 10.07.1986 to 31.01.2005, he was not paid pension from January 2012 onwards. Therefore, the learned counsel prayed for appropriate direction to the respondents to consider the petitioner's representation, in accordance with law, within a time frame to be stipulated by this Court, for which, the learned counsel appearing for the respondents has no serious objection.

4.Considering the facts and circumstances of the case and having regard to the submissions made by the learned counsel on either side, this Court directs the respondents to consider the representation of the petitioner dated 16.09.2013, if not already considered and pass appropriate orders, on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order.

5.Accordingly, the writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

msv

To

1.The Managing Director,
Tamil Nadu State Transport Corporation
Villupuram Ltd, Villupuram 605 602.



2.The Administrator/Secretary,
Tamil Nadu State Transport Corporation
Employees Pension Fund Trust,
Thiruvalluvar Illam,
Pallavan Salai, Chennai 600 002.

WEB COPY

+1cc to Mr.R.Y.George Williams, Advocate SR.No. 3365
+2ccs to Mr.C.S.K.Sathish, Standing Counsel SR.No. 2863

W.P.No.13043 of 2014

SS(CO)
B.VC(14.07.2021)