

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 19.01.2021
CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.34240 of 2014
and M.P.No.1 of 2014

D.Sampath

... Petitioner

Vs

1.Tamilnadu State Transport
Corporation Employees Pension Trust,
rep. By its Administrator
Pallavan Salai, Chennai-2.

2.The Managing Director
Metropolitan Transport
Corporation Ltd.,
Pallavan Salai, Chennai -2.

... Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the respondents to pay the petitioner monthly pension every month from 01.10.1999 together with arrears and commuted value of pension, with interest at rate of 12% per annum within a specified time and also to continue to pay the petitioner monthly pension every month hereafter and award costs.

For Petitioner : Mr.R.Krishnaswamy
For Respondents : Mr.C.S.K.Sathish

ORDER

The prayer made in this writ petition is to issue a mandamus, directing the respondents to pay the petitioner monthly pension from 01.10.1999 with arrears and commuted value of pension alongwith interest at the rate of 12% per annum within a specified time that may be fixed by this Court.

2.According to the petitioner, he joined the erstwhile Pallavan Transport Corporation as a Conductor on 22.03.1978 on daily rated employee. After completion of 240 days of service, he was regularised and brought into regular time scale of pay. On completion of 20 years of qualifying service, he opted for voluntary retirement scheme and made application to go for voluntary retirement, which was accepted and he was relieved from service with effect from 30.09.1999, by the order of the second respondent dated 17.09.1999. Thereafter, he was paid

gratuity and provident fund and accumulation of employee contribution, however, he was not sanctioned pension. On enquiry, he was informed that he has not completed 50 years of age and hence, he was not entitled for pension. Stating that similarly placed persons were sanctioned pension, the petitioner made a representation dated 24.09.2014 to the respondents requesting to sanction pension, which was not considered till date. Hence, this writ petition.

3.The learned counsel for the petitioner submitted that the issue involved herein has already been decided by a Division Bench of this Court in W.A.Nos.2210 and 2211 of 2013 on 15.10.2014, wherein, after having referred to the various decisions of the Supreme Court as well as this Court, it was observed that an employee who was allowed to voluntarily retire under the then prevailing scheme on completion of 20 years of service, even though he had not completed the age of 50 years, was entitled to the pensionary benefits and other retiral benefits as per the pension scheme. Stating so, the learned counsel prayed that the respondents may be directed to consider the representation of the petitioner and pass orders in the light of the said judgment of the Division Bench.

4.There is no serious objection on the side of the respondents for granting such relief to the petitioner.

5.Considering the facts and circumstances of the case and having regard to the submissions now made by the learned counsel on either side, this Court directs the respondents to consider the petitioner's representation dated 24.09.2014 and pass appropriate orders, on merits and in accordance with law and also in the light of the aforesaid judgment of the Division Bench dated 15.10.2014 in W.A.Nos.2210 and 2211 of 2013, within a period of eight weeks from the date of receipt of a copy of this order.

6.Accordingly, the writ petition stands disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

msv

To

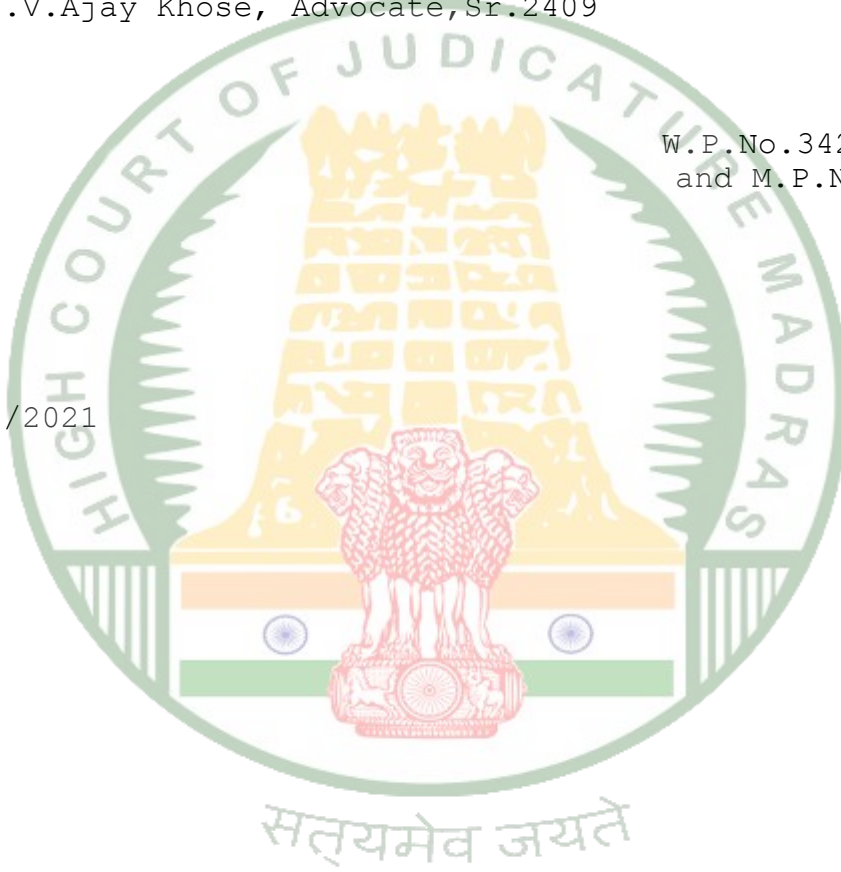
1.The Administrator
Tamil Nadu State Transport
Corporation Employees Pension Trust,
Pallavan Salai, Chennai-2.

2.The Managing Director
Metropolitan Transport
Corporation Ltd.,
Pallavan Salai, Chennai -2.

+cc to M/S.V.Ajay Khose, Advocate,Sr.2409

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PL(CO)
baf 11/05/2021



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