



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.03.2021

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.33037 of 2018

Thirunavukarasu

... Petitioner

Vs.

1. The Managing Director,
Tamil Nadu State Transport Corporation,
37, Mettupalayam Road, Coimbatore - 43.

2. The Administrator,
TNSTC Employees Pension Fund Trust,
2, Pallavan Salai, Chennai - 600 002.

... Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records on the file of the first respondent with reference to the impugned Order dated 19.04.2018 and to quash the same as illegal, unjust and arbitrary and direct the respondents to grant pension to the petitioner from the date of retirement with interest consequently pay pension arrears and other attendant benefits from the date of retirement.

For Petitioner : Mr.Venkataswamy Babu

For Respondents : Mr.R.S.Selvam, GA

ORDER

This writ petition has been filed to quash the order dated 19.04.2018 passed by the first respondent and consequently, direct the respondents to grant pension to the petitioner from the date of retirement with interest and also pay pension arrears and other attendant benefits to the petitioner.



WEB COPY

2. According to the petitioner, he worked as a Conductor in the second respondent Corporation and retired from service on 30.06.2012 on attaining the age of superannuation. However, he was not disbursed with the pensionary benefits. Hence, he filed a writ petition in W.P.No.29437 of 2013, which by order dated 16.11.2017, was disposed of, directing the respondents to consider the representation of the petitioner dated 30.08.2013 with respect to settlement of retirement benefits and pass orders, on merits and in accordance with law, within a period of twelve weeks. Pursuant to the same, the first respondent, by order dated 19.04.2018, directed the petitioner to effect the CSR recovery within a period of seven days, so as to enable the Department to settle the retirement benefit due to him. Aggrieved over the same, the petitioner is before this Court with the present writ petition for the aforesaid relief.

3. The respondents filed a detailed counter affidavit, justifying the order impugned herein. In paragraph 15, it is specifically stated as follows:

"15.It is submitted that as per the Common Service Rule G.O.Ms.No.1373, Transport Department, dated 02.12.1985 and as approved by the Board of Directors on 19.04.1986 for Non-implementation portion of punishments during his service period was worked out and he was directed to settle the amount of Rs.3,43,541/- under the head Annexure V Disciplinary and Approval Rules in page No.89 the individual now remit only the amount of Rs. 1,19,806.35 [Pay reduction for 5 stages 5 years WCE amount of Rs.2,23,734.65 need not to pay]. But the petitioner has not remitted the outstanding amount. Instead of that, the petitioner has filed this writ petition."

4. Today when the matter was taken up for consideration, the learned counsel appearing for the petitioner submitted that the petitioner is now agreeing to pay the remaining outstanding of Rs.1,19,806.35. Therefore, the learned counsel prayed that the respondents may be directed to deduct the said outstanding sum from the pensionary benefits payable to the petitioner and pay the balance benefits to him, within a time frame to be prescribed by this Court, for which the learned counsel appearing for the respondents has no serious objection.

5. In view of the above submissions made by the learned counsel on either side, this Court directs the respondent authorities to settle the remaining pensionary benefits payable to the petitioner, after deducting the outstanding sum of Rs.1,19,806.35, within a period of eight weeks from the date of receipt of a copy of this order.



WEB COPY

6. Accordingly, this writ petition stands disposed of. No costs.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

vrc

To

1. The Managing Director,
Tamil Nadu State Transport Corporation,
37, Mettupalayam Road, Coimbatore - 43.
2. The Administrator,
TNSTC Employees Pension Fund Trust,
2, Pallavan Salai, Chennai - 600 002.

+1CC to Mr.D.Anand Raja, Advocate, Sr.No.19290
+1CC to Mr.R.S.Selvam, Advocat, Sr.No.19523

W.P.No.33037 of 2018

CP (CO)
K.RK.(19.07.2021)