



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.03.2021

CORAM:

**THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA
AND
THE HONOURABLE MRS.JUSTICE S.KANNAMMAL**

W.A (MD) No.632 of 2012
and
M.P (MD) Nos.3 of 2012 & 1 of 2014

Tamil Nadu State Transport Corporation
(Kumbakonam) Limited,
Rep. by its General Manager,
Karaikudi Region,
Karaikudi.

... Appellant/4th Respondent

Vs.

1. V.Veeramani

... 1st Respondent/Petitioner

2. Government of Tamil Nadu,
Rep. by its Special Commissioner
& Secretary to Government,
Transport (RW) Department,
Fort St. George,
Chennai - 600 009.

3. The State of Tamil Nadu,
Rep. by its Secretary to Government,
Finance Department,
Fort St. George,
Chennai - 600 009.

4. The Director of Pension,
Pension Pay Office,
No.807, V Floor, Anna Salai,
Chennai.

... Respondents 2 to 4/
Respondents 1 to 3

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent to set aside the order, dated 11.10.2011 made in W.P(MD)No.10983 of 2011 on the file of this Court.

Prayer in WP(MD)No.10983/2011 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a writ or order or direction in the nature of Writ of Certiorarified Mandamus, calling for the records of the 1st respondents G.O.Ms.No.42 dated 27.05.2005 in so far as the applicability of 5(b) relating to fixing of cut off date as 01.09.1998 for grant of pension under the said G.O and quash the same in so far as the petitioner is concerned and direct the respondents to extend government pensionary benefits to the petitioner who retired on 12.07.1999 in the light of the decision rendered by the Hon'ble High court Madras in a batch or writ petitions bearing Nos.5856,6891 & 23181 of 2006 dated 27.09.2006 .

For Appellant : Mr.D.Sivaraman
 For R - 1 : Mr.R.Saravanan
 For RR 2 to 4 : Mr.M.Murugan,
 Government Advocate.

JUDGMENT

**(Judgment of the Court was delivered by
 PUSHPA SATHYANARAYANA,J.)**

The Writ Appeal is directed against the order passed by the learned Single Judge in W.P(MD)No.10983 of 2011, dated 11.10.2011.

2.Originally, the first respondent/writ petitioner had filed the said Writ Petition to issue a Writ of Certiorarified Mandamus, to quash G.O.Ms.No.42, dated 27.05.2005 insofar as the applicability of clause 5(b) is concerned to fix the cut-off date as 01.09.1998 for grant of pension.

3.The learned Single Judge, by order dated 11.10.2011, allowed the Writ Petition. Challenging the same, the appellant-Tamil Nadu State Transport Corporation/fourth respondent had filed the present Writ Appeal.

4.The learned counsel appearing for the appellant had produced a communication, dated 01.01.2020, which states that as per the order of the learned Single Judge, commutation amount of Rs.52,056/- was paid and also pension was being paid from December 2015 onwards. The arrears of the pension was also paid in three installments. The first installment amount of Rs.1,18,879/- was paid on 17.10.2018, the second installment amount of Rs.1,18,879/- was paid on 19.11.2018 and the final installment amount of Rs.1,18,880/- was paid on 14.12.2018. The learned counsel appearing for the appellant submitted that as already the pension and arrears of pension amount have been paid to the first respondent/writ petitioner, nothing survives for further adjudication in the Writ



5. Recording the submissions made by the learned counsel for the appellant, the Writ Appeal is closed. No costs. Consequently, connected Miscellaneous Petitions are closed.

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Sd/-
Assistant Registrar (CS-I)

// True Copy //

/ /2021
Sub Assistant Registrar(CS-)

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.

To

1. The Special Commissioner
& Secretary to Government,
Transport (RW) Department,
Fort St. George,
Chennai - 600 009.

2. The Secretary to Government,
State of Tamil Nadu,
Finance Department,
Fort St. George,
Chennai - 600 009.

3. The Director of Pension,
Pension Pay Office,
No.807, V Floor, Anna Salai,
Chennai.

+1 CC to Mr.D.SIVARAMAN, Advocate (SR-8380[F] dated 03/03/2021)
+1 CC to SPECIAL GOVERNMENT PLEADER (SR-8428[F] dated 03/03/2021)

PS

TE : 12/03/2021 : 3P/6C

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