



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.03.2021

CORAM:

THE HONOURABLE **MR.JUSTICE M.DHANDAPANI**

W.P. (MD)No.24194 of 2017

WEB COPY

S.Kannan

.. Petitioner

Vs.

1.The Tamil Nadu State Transport Corporation
(Kumbakonam) Ltd.,
Rep. by its Managing Director, Kumbakonam.

2.The General Manager,
The Tamil Nadu State Transport Corporation
(Kumbakonam) Ltd.,
Kumbakonam Region, Kumbakonam.

3.The Administrator,
The Tamil Nadu State Transport Corporation
Pension Fund Trust,
Thiruvalluvar Illam,
Pallavan Salai, Chennai-2.

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to pay the petitioner's monthly pension together with arrears payable from 28.09.1998 along with interest at the rate of 18% per annum from the date of his retirement to till the date on which the amounts are settled to the petitioner within the time that may be stipulated by this Court.

For Petitioner : Mr.A.Rahul

For Respondents 1 & 2 : Mr.D.Sivaraman
Standing Counsel

For Respondent No.3 : No appearance

O R D E R

This petition has been filed, seeking a direction to the respondents to pay the petitioner's monthly pension together with arrears payable from 28.09.1998 along with interest at the rate of 18% per annum from the date of his retirement to till the date on which the amounts are settled to the petitioner within a time frame.

2. The case of the petitioner is that she joined in the Corporation as Conductor in the year 1979 and retired

<https://hccs.cemilaw.in/hccs/CaseDetails.aspx?CaseID=24194>



from service in the year 1998 under Voluntary Retirement Scheme. Further, he was not given pension on the ground that he did not complete 20 years of service. However, when the said issue came up for consideration before this Court, this Court has passed an order to grant pension to the retired employees on Voluntary Retirement Scheme against which the corporation preferred an appeal and the same was also dismissed. The SLP, which was filed before the Hon'ble Supreme Court of India in this regard in S.L.P. (CIVIL)No.16446/2013 was also dismissed with cost. Based on the direction issued by this Court, the State has issued a Government Order in G.O.Ms.No.32, Transport Department, dated 23.02.2015, wherein it is ordered that the workmen of the first respondent Corporation, who retired between 01.09.1998 and 23.12.2004 are entitled to voluntary retirement pension notwithstanding the fact that they had not completed 20 years of service and 50 years of age. Hence, the petitioner is entitled to avail the above said benefits. Therefore, the petitioner made a representation on 08.07.2017 to the respondents for the above said relief. But, so far the said representation was not considered. Hence, this writ petition.

3. Learned counsel for the petitioner would submit that it would suffice, if the representation of the petitioner dated 08.07.2017 is disposed of by the respondents at the earliest.

4. Learned Standing Counsel appearing for the respondents 1 & 2 has no serious objection to consider the representation of the petitioner dated 08.07.2017, in accordance with law.

5. In view of the limited scope of the prayer sought for by the petitioner, this Court, without expressing any opinion on the merits of the matter, directs the respondents to consider the representation dated 08.07.2017 submitted by the petitioner and to pass appropriate orders thereon on merits and in accordance with law within a period of twelve(12) weeks from the date of receipt of a copy of this order, if there is no legal impediments to do so.

6. With the above direction, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar(Records)

// 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 Managing Director,
The Tamil Nadu State Transport Corporation
(Kumbakonam) Ltd., Kumbakonam.

2.The General Manager,
The Tamil Nadu State Transport Corporation
(Kumbakonam) Ltd.,
Kumbakonam Region, Kumbakonam.

3.The Administrator,
The Tamil Nadu State Transport Corporation Pension Fund Trust,
Thiruvalluvar Illam,
Pallavan Salai, Chennai-2.

+1 CC to M/s.A.RAHUL, Advocate (SR-9320[F] dated 05/03/2021)
+1 CC to M/s.D.SIVARAMAN, Advocate (SR-9440[F] dated 08/03/2021)

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KM(CO)
TR(23.04.2021) 3P 6C