



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.11.2021

CORAM:

THE HONOURABLE DR JUSTICE ANITA SUMANTH

W.P. (MD) No.7189 of 2018

O.Manickavasagam (Conductor)

... Petitioner

Vs.

1.The Managing Director,
Tamilnadu State Transport Corporation (Kum) Ltd.,
New Railway Station Road,
Kumbakonam,
Thanjavur District 612 001.

2.The General Manager,
Tamilnadu State Transport Corporation (Kum) Ltd.,
Karaikudi Region,
Marthupathi Complex,
Kovilur Road,
Karaikudi, Sivagangai District.

3.The Administrator,
Tamilnadu State Transport Corporation
Employees Pensions Fund Trust,
Thiruvalluvar Illam,
Pallavan Salai, Chennai -2.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of mandamus directing the respondents to disburse the petitioner's retirement benefits like Pension, Retirement Benefits like Provident Fund and Gratuity along with interest with Family Pass with interest at the rate of 18%.

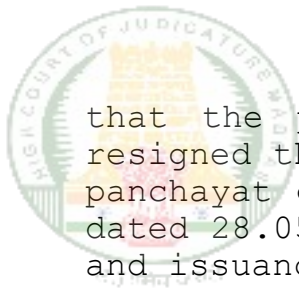
For Petitioner : Mr.M.Fernand for
Mr.K.Gokul

For Respondents : Mr.D.Sivaraman
Standing Counsel TNSTC

O R D E R

The petitioner has sought a mandamus directing the Managing Director, the General Manager, the Tamilnadu State Transport Corporation (Kumbakonam)/respondents 1 and 2 as well as the Administrator, Tamilnadu State Transport Corporation Employees Pensions Fund Trust/third respondent to disburse his retirement benefits such as Pension, Provident Fund and Gratuity along with 18% interest along with family pass within a time frame to be fixed by this Court.

2. At the outset, the prayer is misconceived for the reason
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that the petitioner has not retired on superannuation, but, has resigned the job for the reason that he wished to participate in the panchayat election for the post of President as per his requisition dated 28.05.2011. Thus, the question of pension, statutory benefits and issuance of family pass would not arise.

WEB COPY

3. Be that as it may, Mr.D.Sivaraman, learned Standing Counsel for the respondents has circulated a copy of proceedings dated 07.04.2018 enclosing order dated 29.09.2011, which reads as follows:

" In the reference cited, Thiru.O.Manickavsakam, Conductor St.No.87CR3206 of Madurai Branch has tendered his resignation for contesting in the forthcoming Local body Election.

After careful consideration of his request, resignation is accepted with immediate effect subject to the condition that a letter is received from Directorate of Vigilance and Anti-Corruption to the effect that no enquiry or investigation is pending or contemplated against him. Further one month salary in lieu of one Month Notice will be recovered from the settlement of Accounts of the individual.

He is requested to handover the properties entrusted to him if any to the Crporation and to settle his account on any working day of this Corporation during the working hours at Karaikudi Regional Office ".

4.In the light of the aforesaid order, the petitioner will be entitled to receive his employment benefits subject to him entrusting properties of the Corporation including the Employee Identity Card to the concerned authority. Upon such compliance, mandamus is issued to the second respondent to settle the arrears pending in the case of the petitioner within a period of eight(8) weeks from the date of such compliance, as aforesaid.

5. This Writ Petition is disposed with the aforesaid directions. No costs.

Sd/-

Assistant Registrar (CRL)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

CM

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.

<https://hcservices.ecourts.gov.in/hcservices/>



To,

1.The Managing Director,
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Kumbakonam,
Thanjavur District 612 001.

2.The General Manager,
Tamilnadu State Transport Corporation (Kum) Ltd.,
Karaikudi Region,
Marthupathi Complex,
Kovilur Road,
Karaikudi, Sivagangai District.

3.The Administrator,
Tamilnadu State Transport Corporation
Employees Pensions Fund Trust,
Thiruvalluvar Illam,
Pallavan Salai, Chennai -2.

+1 CC to M/s.D.SIVARAMAN, Advocate (SR-34392[F] dated 12/11/2021)

W.P. (MD) No.7189 of 2018

12.11.2021

_RD/ NS(25.11.2021) 3P 5C