



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :10.03.2021

CORAM:

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

W.P. (MD)No.3878 of 2017

A.John Peter

.. Petitioner

Vs

1.The Tamil Nadu Transport Corporation,
(Kumbakonam-III) Limited,
Rep., by its Managing Director,
No.27, Railway Station New Road,
Kumbakonam-612 007,
Thanjavur District.

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

.. Respondents

[R2 impleaded vide order
dated 01.08.2019 made in
WMP.(MD).No.11128/19]

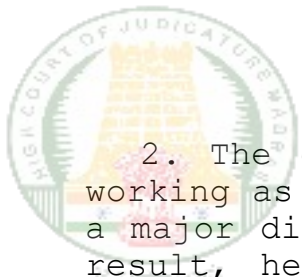
Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondent to pay the accrued interest within a time frame.

For Petitioner : Mr.Chamundi Bose

For Respondents : Mr.D.Sivaraman

O R D E R

The prayer sought for in the present writ petition is for a direction to the respondents to pay the accrued interest within a time frame.



2. The case of the petitioner is that while the petitioner was working as Conductor in the respondent Corporation, he suffered with a major disability due to an accident occurred on 15.12.1997. As a result, he was discharged from service on medical grounds in the year 1998. Subsequently, he questioned the order of discharge and also filed a writ petition in W.P.(MD).No.4310 of 2001 before this Court sought for a direction to provide him an alternate employment with pay protection. This Court by its order dated 21.03.2003, allowed the writ petition and issued a direction to provide him an alternative employment with continuity of service along with all attendant benefits. Aggrieved by the said order, the respondent Corporation preferred an appeal in W.A.No.1475 of 2004 before this Court and a Hon'ble Division Bench of this Court by an order dated 07.04.2005 disposed of the writ appeal by issuing a direction to the respondent to pay only the arrears of pay, if any, till the date of termination of service, namely 29.10.1998 and also the amount due to the petitioner as per G.O.Ms.No.746, dated 02.07.1981, from the date of termination of service till the date of superannuation. Under the background, the sole grievance of the petitioner is that a sum of Rs.60,700/- taken as loan from the respondent Corporation on 14.12.2009 has not been remitted back. Since the petitioner has not cleared the said amount, the pension amount accrued to a sum of Rs.5,38,493/- from 01.04.2005 to 01.09.2014 has not been settled. The further claim of the petitioner is that the respondent Corporation has been keeping a sum of Rs.5,38,493/- by deducting a sum of Rs.88,085/-, and they could have disbursed the balance amount without causing any delay. However, till 8 years, the said amount was not paid to the petitioner. Hence he sent a representation on 15.03.2016 for payment of interest. But till date no order has been passed. Hence, the petitioner approached this Court with the above said prayer.

3. The learned counsel for the petitioner would submit that after disposal of the litigations, the respondents themselves admitted vide reply dated 18.05.2016 that they are taking steps to settle the interest to the petitioner. Hence, this Court may issue a direction to the respondents to pass orders on considering the petitioner's representation dated 15.03.2016 within a reasonable time as fixed by this Court.

4. The learned Counsel appearing for the respondents has no serious objection to consider the representation dated 15.03.2016.

5. Heard the learned counsel appearing for the petitioner as well as the learned Standing Counsel appearing for the respondents and this Court has also perused the communication dated 18.05.2016 sent by the Public Information Officer of the respondent Corporation in which they admitted they are taking steps to pay the interest for belated payment of pension to the petitioner.



7. Considering the facts and circumstances of the case and considering the submissions made by the learned counsel on either side, this Court, without going to the merits of the case, is inclined to issue a direction to the respondents to consider the representation of the petitioner within a reasonable time. Accordingly, this Court directs the respondents to consider the representation of the petitioner dated 15.03.2016, and pass appropriate orders, 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.

8. With the above direction, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar

// 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

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+1 CC to M/s.D.SIVARAMAN, Advocate (SR-10345[F] dated 11/03/2021)

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10.03.2021

MR(11.05.2021) 3P 4C

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