



WEB COPY



WP No.16270 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12-07-2022

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

WP No.16270 of 2015

L.Palaniappan

..

Petitioner

VS.

1.The Secretary to Government,
Transport Department,
Government of Tamil Nadu,
Fort St. George,
Chennai – 600 009.

2.The Finance Advisor,
The Metro Transport Corporation Ltd.,
Pallavan House,
Chennai Division - I,
(Formerly Pallavan Transport Corporation Ltd),
Annasalai,
Chennai – 600 002. ..

Respondents

Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, to direct the respondents 1 and 2 to pay the pensionary benefits accumulated from 29.05.1979 onwards



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from which date the petitioner had completed the required service of ten years with future benefits.

For Petitioner : Mr.V.Chinnasamy
For Respondent-1 : Ms.S.Anitha,
Special Government Pleader.
For Respondent-2 : Mr.C.Gauthama Raj

ORDER

The relief sought for in the present writ petition is to direct the respondents 1 and 2 to pay the pensionary benefits accumulated from 29.05.1979 onwards from which date the petitioner had completed the required period of ten years with pension benefits.

2. The petitioner states that he was initially appointed in the Indian Red Cross Society. He joined duty on 30.05.1969 and was working till 30.08.1974. Subsequently, the petitioner was absorbed in the Transport Department as Labour Welfare Inspector and joined duty on 31.08.1974.



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The petitioner was promoted as Assistant Manager In-charge and retired from service on 30.06.1996 as Assistant Manager.

3. Admittedly, the petitioner was allowed to retire from service on attaining the age of superannuation on 30.06.1996. All the terminal and pensionary benefits due to him during the relevant point of time were settled in favour of the petitioner.

4. The petitioner had not raised any objections during the relevant point of time. The present writ petition is filed after a lapse of about 18 years from the date of retirement of the petitioner.

5. The claim of the writ petitioner is that he was appointed in the Transport Department. However, the learned counsel for the respondent disputed the same by stating that the writ petitioner was appointed by the Transport Corporation and not by the Transport Department of the Government of Tamil Nadu. Therefore, he is not eligible to avail the pensionary benefits applicable to the Transport Department of the



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Government of Tamil Nadu. The Transport Corporation terminal benefits due to the writ petitioner were already settled at the time of his retirement.

Now the petitioner filed the present writ petition at the age of 76 years and as of now, he would be around 84 years.

6. The writ petition has been filed belatedly after a lapse of about 18 years from the date of retirement of the writ petitioner. That apart, the benefits as applicable due to the writ petitioner was settled at the time of his retirement.

7. This being the factum, the writ petitioner stands dismissed both on merits and on the ground of laches. However, there shall be no order as to costs.

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Index : Yes/No.

Internet : Yes/No.

Speaking Order/Non-Speaking Order.

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S.M.SUBRAMANIAM, J.

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