



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.01.2022

CORAM:

THE HON'BLE MR. JUSTICE D.KRISHNAKUMAR

W.P.No.28914 of 2008

S.Dharmanathan

.. Petitioner

vs.

1. The Secretary to Government,  
Transport Department,  
Fort St.George,  
Chennai-600 009.
2. State Express Transport Corporation,  
Thiruvalluvar Transport Corporation Ltd.,  
Rep. By its Managing Director,  
Thiruvalluvar House, Pallavan Salai,  
Chennai-600 002.
3. General Manager (Admn.)  
State Express Transport Corporation TN Ltd.,  
Pallavan Salai, Chennai-600 002.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus calling for the records of the 3<sup>rd</sup> respondent's communication letter No.014768/A3/SETCTN/2004 dated 09.03.2004 and quash the same and direct the respondents to dispose the petitioner's representation dated 12.04.2006.

For Petitioner : M/s.R.N.Amarnath  
for Mr.Mahesnath

For Respondents : Mr.V.M.Ravichandran,  
Special Government Pleader for R1  
  
Mr.L.S.M.Hasan Fizal,  
Additional Government Pleader  
for R2 & R3



O R D E R

The petitioner, challenging the impugned order of the third respondent dated 09.03.2004, in and by which his claim for sanction of pension came to be rejected and for a consequential direction to the respondents to dispose of the petitioner's representation dated 12.04.2006, has filed the present writ petition.

2. The respondents 2 and 3 have filed an additional counter affidavit dated 07.12.2021, wherein it has been stated that the petitioner had opted to get one lump sum payment of Gratuity in lieu of Monthly Pension for the service rendered by him as a Conductor under the erstwhile Tamil Nadu State Transport Department (TSTD) upto 14.09.1975 under Operation Subordinate Service Rules (OSSR) Scheme implemented vide G.O.Ms.No.1028, Transport dated 23.09.1985, G.O.Ms.No.811, Transport dated 20.05.186 & Government Letter No.81440/B2/85-12 dated 24.08.197 and pursuant to the petitioner's exercise of option under OSSR, the petitioner had acknowledged and encashed the Gratuity of Rs.326/- vide Cheque No.811540 dated 03.01.1989, vide Lr.No.15440/TBC5/88 dated 21.10.1988, based on the orders of the Accountant General, vide Lr.No.PV/Cell/I/Transport/D133-1440/88-89/985 dated 05.10.1988. The petitioner had also acknowledged and encashed Rs.602/- towards interest for the belated payment, which had been paid/ encashed on 31.12.1988.

3. The petitioner has not filed any reply to the additional counter affidavit filed by the respondents 2 and 3, denying the averments made therein.

4. Therefore, accepting the averments made in the additional counter affidavit filed by the respondents 2 and 3, the Writ Petition stands closed. The learned Additional Government pleader is also directed to serve the copy of the proceedings referred above to the learned counsel for the petitioner. No costs.

Sd/-  
Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

Jvm



To

1. The Secretary to Government,  
Transport Department,  
Fort St.George, Chennai-600 009.
2. The Managing Director,  
State Express Transport Corporation,  
Thiruvalluvar Transport Corporation Ltd.,  
Thiruvalluvar House, Pallavan Salai,  
Chennai-600 002.
3. General Manager (Admn.)  
State Express Transport Corporation TN Ltd.,  
Pallavan Salai, Chennai-600 002.

+1cc to Mr.L.S.M.Hasan Fizal, Advocate, S.R.No.3662

+1cc to the Government Pleader, S.R.No.3992

W.P.No.28914 of 2008

PCH(CO)  
SU(08/02/2022)