



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.06.2022

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 23256 of 2016

M. Vijayan

...Petitioner

-vs-

1. The Managing Director,
Tamil Nadu State Transport Corporation (Salem) Ltd.,
Dharmapuri Region,
No. 12, Ramakrishna Road,
Salem - 636 007.

2. The Administrator,
Tamil Nadu State Transport Corporation,
Employees Pension Fund,
Pallavan Salai,
Chennai - 600 002.

...Respondents

Prayer:- Writ Petitions filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus directing the Respondents to pay pension to the Petitioner for the service rendered with the First Respondent Corporation.

For Petitioner : Mr. S.T.Varadarajulu

For Respondents : Mr. Babu (for R1)

Mr. C.S.K.Sathish (for R2)

O R D E R

Heard Mr. S.T.Varadarajulu, Learned Counsel for the Petitioner and Mr. Babu, Learned Counsel for the First Respondent and Mr. C.S.K.Sathish, Learned Counsel for the Second Respondent and perused the materials placed on record, apart from the pleadings of the parties.

2. Though the Petitioner had earlier worked and was terminated from the service of the Transport Corporation of the First Respondent, he had been re-appointed on 23.06.1998 and his services were regularized on 24.03.2000 and he had



retired from service on 28.02.2010 when he attained the age of superannuation. The Petitioner had made representations dated 15.07.2011, 16.04.2013 and 08.02.2015 claiming superannuation pension on having rendered qualifying service of 10 years as per Rule 16(a)(i) of Tamil Nadu State Transport Corporation Employees Pension Fund Rules, but as no action was taken thereon, he has filed this Writ Petition.

3. Having regard to the limited nature of relief sought, this Court without expressing any view on the correctness or entitlement of the claim made by the Petitioner, passes the following order:-

- (i) it shall be incumbent upon the Respondents to immediately examine the representations made by the Petitioner including ascertaining as to whether the Petitioner had actually worked in the establishment of the First Respondent during the relevant period so as to be entitled for pensionary benefits claimed;
- (ii) if it is found that any details or supporting documents satisfying the eligibility criteria for the benefits claimed had not been produced, the deficiencies in that regard shall be informed in writing to the Petitioner requiring the same to be furnished within a time frame of not less than 15 clear working days in that regard;
- (iii) in the event of not being satisfied with the requirements even thereafter, an enquiry shall be conducted affording full opportunity of personal hearing to the Petitioner to explain his position in that regard and a reasoned order shall be passed by 30.09.2022 dealing with each of the contentions raised on merits and in accordance with law and the decision taken communicated under written acknowledgment;
- (iv) if the Petitioner is found entitled to the claim made, the eligible amount of arrears of pensionary benefits shall be disbursed within a period of 30 days from the date of passing of that order, apart from pension for future months on the due dates; and
- (v) the report of completion of the aforesaid exercise shall be filed before the Registrar (Judicial) of this Court.

In fine, the Writ Petition is disposed on the aforesaid terms. No costs.

Sd/-

Assistant Registrar (CO)

//True Copy//

Sub Assistant Registrar

skr



To

1. The Managing Director,
Tamil Nadu State Transport Corporation (Salem) Ltd.,
Dharmapuri Region,
No. 12, Ramakrishna Road,
Salem - 636 007.

2. The Administrator,
Tamil Nadu State Transport Corporation,
Employees Pension Fund,
Pallavan Salai,
Chennai - 600 002.

Copy to

The Registrar (Judicial),
Madras High Court,
Chennai - 600 104.

+1cc to Mr.S.T.Varadarajulu, Advocate SR. No. 37844
+1cc to Mr.R.Babu, Advocate SR. No. 38107

W.P. No. 23256 of 2016

AD (CO)
PR (29/06/2022)