



W.P.No.9336 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.11.2022

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.9336 of 2019

N.P.Bose

... Petitioner

Vs.

1. State of Tamil Nadu,
Rep. by its Secretary,
Transport Department ,
Secretariat, Chennai 600 009.
2. M/s.Tamil Nadu State Transport Corporation ,
Employees Pension Fund Trust,
Rep. by its Administrator,
Pallavan Salai, Chennai 600 002.
3. M/s.Metropolitan Transport Corporation,
Rep. by its Managing Director,
No.2, Pallavan Salai, Chennai 600 002. ... Respondents

Prayer : Writ Petition is filed under Article 226 of the Constitution of India to issue a writ of Mandamus, directing the 2nd respondent to sanction pension under the Madras Liberalised Pension Rule 1960 by considering the representation of the petitioner dated 29/01/2019 and 05/02/2019 and consequently pay arrears of Pension from the date of retirement of the petitioner with interest.



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For Petitioner : Mr.D.Soundar Raj
For Respondents : Mr.R.P.Murugan Raja,
Government Advocate [for R.1]
: Mr.C.S.K.Sathish [for R.2]
: Mr.C.Gauthama Raj [for R.3]

ORDER

The relief sought for in the present writ petition is to direct the second respondent to sanction pension under the Madras Liberalised Pension Rules 1960 by considering the representation of the writ petitioner dated 29.01.2019 and 05.02.2019.

2. The Madras Liberalised Pension Rule, 1960 is not in force as of now. Superseding the said rule, the Tamil Nadu Pension Rules, 1978 came into force and now the petitioner claims benefit under the Madras Liberalised Pensions Rule, 1960, in respect of his services rendered with the erstwhile Tamil Nadu State Transport Department of the Government of Tamil Nadu.



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3. The petitioner joined as a conductor in the Tamil Nadu State Transport Department on 31.07.1968 and thereafter, absorbed to the erstwhile Pallavan Transport Corporation during 1975. The petitioner voluntarily retired from service on 30.04.1994. After a lapse of about 25 years from the date of his voluntary retirement, the petitioner submitted a representation on 29.01.2019, stating that he is eligible for pension under the Madras Liberalised Pension Rule, 1960.

4. The learned counsel for the respondent produced the original file which would reveal that the petitioner opted for the existing benefit which was an exercised option in the year 1974 and such an option exercised is binding on the petitioner and now he cannot turn around after a lapse of several years and claim pensionary benefits based on the Liberalised Pension Rule of the year 1960.

5. An employee who exercised an option for a particular benefit or scheme cannot seek any further benefit based on the subsequent policy or otherwise. More so, in the present case, the petitioner voluntarily retired in the year 1994, and for the first time, after a lapse of 25 years, he submitted a representation in the year 2019, seeking pensionary benefits



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under the Liberalised Pension Rules of the year 1960. Such a stale claim cannot be entertained beyond a reasonable period of time. The petitioner has not only slept over but could not able to establish any right for the relief as such sought for in the present writ petition.

6. Thus, the Writ Petition stands **dismissed**. There shall be no order as to costs.

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Internet : Yes
Index : Yes
Speaking order

To,

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Rep. by its Secretary,
Transport Department
Secretariat, Chennai 600 009.
2. M/s. Tamil Nadu State Transport Corporation
Employees Pension Fund Trust
Rep. by its Administrator,
Pallavan Salai, Chennai 600 002.
3. M/s. Metropolitan Transport Corporation
Rep. by its Managing Director
No.2, Pallavan Salai, Chennai 600 002.



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S.M.SUBRAMANIAM, J.

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