



W.P.No.14004 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.11.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.14004 of 2018

K.Anbananthan

...Petitioner

Vs.

1.The State of Tamil Nadu,
Rep. by its Additional Chief Secretary to Government,
Secretariat,
Chennai – 600 009.

2.Tamil Nadu State Transport Corporation (Salem) Ltd.,
Rep. by its Managing Director,
No.12, Ramakrishna Road,
Salem – 636 007.

Respondents

Prayer : Writ Petition filed Under Article 226 of the Constitution of India,
to issue a writ of Mandamus, directing the 1st respondent to grant family
pension with arrears from 01.07.2005.



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For Petitioner : Mr.D.Soundar Raj
For Respondents : Mrs.Akila Rajendiran
Government Advocate for R1
No Appearance for R2

ORDER

The relief sought for in the present writ petition is to direct the 1st respondent to grant pension with arrears from 01.07.2005.

2.The petitioner states that he was appointed as general Foreman in the erstwhile Tamil Nadu State Transport Department on 21.03.1971. He was absorbed in the erstwhile Pallavan Transport Corporation (Express Service) with effect from 15.09.1975 and promoted as Assistant Manager and thereafter, retired from service as Special Senior Deputy Manager on 30.06.2005. Even at the time of filing of the writ petition, the petitioner was aged about 71 years and now he would be around 75 years.

3.The grievance of the writ petitioner is that the services rendered by



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him in the erstwhile Tamil Nadu State Transport Department was not taken into consideration for grant of pension under the Tamil Nadu Pension Rules.

4.Regarding the eligibility of the petitioner under the Tamil Nadu Pension Rules, 1978, it is to be considered whether the amounts due to him on discharge from the Transport Department was settled or not. Further, it is to be verified whether the petitioner had received all the benefits in this regard while his absorption in the Transport Corporation. All the service particulars are to be verified for the purpose of considering the case of the writ petitioner to ascertain his eligibility for pension under the Tamil Nadu Pension Rules with reference to his service rendered by him in the Transport Department of Government of Tamil Nadu. Furthermore, whether the petitioner had completed 10 years of regular services under Rule 11 of the Pension Rules are also to be verified. In this regard, the petitioner is at liberty to submit all relevant documents to the competent authority. The Corporation may not have all such service records, since the petitioner claims pension for his services rendered in the Transport Department. Thus,



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the petitioner is at liberty to submit all the relevant service records along with proof to establish that he has served and he is eligible for pension. In the event of submitting all the relevant documents, the eligibility of the petitioner shall be verified by the competent authorities and accordingly, decision may be taken, as expeditiously as possible.

5.Accordingly, this writ petition stands disposed of. No Costs.

14.11.2022

Index : Yes
Internet : Yes
Speaking order : Yes
ssr

To

1.The Additional Chief Secretary to Government,
State of Tamil Nadu,
Secretariat,
Chennai – 600 009.



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2.The Managing Director,
Tamil Nadu State Transport Corporation (Salem) Ltd.,
No.12, Ramakrishna Road,
Salem – 636 007.



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S.M.SUBRAMANIAM, J.

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