



W.P.No.18444 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.11.2022

CORAM :

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.18444 of 2017

Mrs.M.Santhi

... Petitioner

-Vs-

1. The Under Secretary to Govt. of Tamilnadu,
Dept. of Transport,
Fort St.Geroge, Chennai 600 009.
 2. The Managing Director,
Metropolitan Transport Coptn.(Chennai)Ltd.,
“Pallavan House”, Pallavan Salai, Chennai-02.
 3. The Senior Deputy Manager (Accounts),
Metropolitan Transport Corporation (Chennai)Ltd.,
“Pallavan House”, Pallavan Salai, Chennai-600 002.
 4. The Branch Manager,
Metropolitan Transport Corporation (Chennai)Ltd.,
Madhavaram, Chennai 600 034.
- ... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue Writ of Mandamus, directing the respondents to sanction the eligible Family Pension to the petitioner and consequently, direct the respondents to pay the arrears to the petitioner with all attendant benefits thereto.



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For Petitioner : Mr.P.Kamarasu
For Respondents :
For R1 : Mr.R.P.Murugan Raja, GA
For R2 to R4 : Mr.C.Gauthama Raj

ORDER

The relief sought for in the present writ petition is to direct the second respondent to sanction family pension under the Madras Liberalised Pension Rules, 1960 and to pay the arrears to the petitioner with all attendant benefits thereto.

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 her husband's services rendered with the erstwhile Tamil Nadu State Transport Department of the Government of Tamil Nadu.

3. The petitioner's husband joined as a Fitter in the Metropolitan Transport Corporation (Chennai) on 08.03.1967 and thereafter, absorbed to the erstwhile Pallavan Transport Corporation as Bench Fitter, during



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the year 1975. The petitioner's husband voluntarily retired from service on 31.05.1993. After a lapse of about 22 years from the date of his voluntary retirement, the petitioner issued a legal notice on 12.10.2015, stating that she is eligible for family 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's husband opted for the existing benefit which was an exercised option in the year 1974 and such an option exercised is binding on the petitioner's husband and now she 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's husband voluntarily retired in the year 1993, and for the first time, after a lapse of 22 years, the petitioner had taken a step by issuing a legal notice in the year 2015, seeking pensionary benefits under the Liberalised Pension Rules of the year 1960. Such a stale claim cannot be entertained beyond a



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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.

28.11.2022

Index : Yes
Speaking order
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To

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S.M.SUBRAMANIAM.J.,

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