



WP(MD)No.14405 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.07.2022

CORAM:

THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN

W.P.(MD)No.14405 of 2022

V.Santhanam

... Petitioner

Vs.

1.The Tamil Nadu State Transport Corporation Ltd.,
Rep. by its Managing Director,
Madurai Division,
Bye Pass Road,
Madurai- 625016.

2.The General Manager
Tamil Nadu State Transport Corporation Ltd.,
Virudhunagar Region,
Virudhunagar - 626 001.

3.The Administrator
Tamil Nadu State Transport Corporation-
Employees Pension Fund Trust,
Thiruvalluvar Illam,
Pallavan Salai,
Chennai- 600 002.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to pay



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the Pension amount of Rs.1,17,760/- payable to the petitioner for the period from April 2019 to January 2020, together with 6% interest from 31.03.2019 to till the date of payment and all other attendant benefits to him.

For Petitioner : Mr.A.K.Thangavelu

For Respondents : Mr.S.Galdson Micheal Rajadurai
Standing Counsel

ORDER

This writ petition has been filed seeking a writ of Mandamus to direct the respondents to pay the Pension amount of Rs.1,17,760/- (Rupees One Lakh Seventeen Thousand Seven Hundred and Sixty only) payable to the petitioner for the period from April 2019 to January 2020, together with 6% interest from 31.03.2019 to till the date of payment and all other attendant benefits to him.

2. The learned counsel for the petitioner submitted that the petitioner served as a Driver in the Regional Office, Virudhunagar



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Region of Tamil Nadu State Transport Corporation Ltd., Madurai and retired from service on 31.03.2019, on attaining the age of superannuation. The petitioner along with some other persons were dismissed from service on account of disciplinary action initiated against them on 25.03.2022. They have filed C.Ps. before the Labour Court, Madurai, which was dismissed by the Labour Court. The petitioner filed a writ petition in W.P.(MD) No.8096 of 2011 against the order passed in C.P.No.113 of 2022 and other C.Ps. During the pendency of this petition, there was a compromise reached and a compromise memo was filed. This Court passed an order in W.P.(MD) No.8096 of 2011 on 12.04.2019 is observed as follows :

- " 1. Reinstatement with Continuity of Service
2. Rs. 4,00,000/- (Rupees four lakhs only) wages for non employment period will be paid.
3. 50% period of non employment will be taken as qualifying service for Pension, Gratuity and other Service Benefits.
4. For non-employment period, only wage settlement benefit and Service weightage increment will be paid.



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5. No yearly increment, Service Review Benefits and leave Benefits will be paid for the non employment period.

18. Recording the above settlement dated 05.04.2019, the Writ Petition is disposed of on the above terms. The settlement shall be followed scrupulously. In view of the above settlement, the respondents are directed to reinstate the petitioner within a period of two weeks from the date of receipt of a copy of this order. It is needless to state that the respondents shall enforce the settlement in the spirit of goodwill. No costs."

3. The petitioner was reinstated in service with effect from 25.03.2002 and allowed to retire from service on 31.03.2019. He was being paid the monthly pension at Rs.11,776/- (Rupees Eleven Thousand Seven Hundred and Seventy Six only) with effect from 05.03.2020 onwards. As per the order of this Court, he is entitled to get pension amount from the month of April 2019 onwards. From 01.04.2019 to January 2020 i.e., pension for 10 months at the rate of Rs.11,776/- (Rupees Eleven Thousand Seven Hundred and Seventy Six only), in total



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a sum of Rs.1,17,760/- (Rupees One Lakh Seventeen Thousand Seven Hundred and Sixty only) was not settled. Therefore, this writ petition has been filed.

4. The learned standing counsel appearing for the respondents took time to get instruction from the respondents, when the matter came up for hearing on 11.07.2022. When the matter is taken up today, Mr.S.Gladson Micheal Rajadurai, learned standing counsel appearing for the respondents submitted that three months time may be granted for settling the amount to the petitioner.

5. In the light of the submission made by the learned counsel for the respondents, this Court directs the respondents to pay the pension amount of Rs.1,17,760/- (Rupees One Lakh Seventeen Thousand Seven Hundred and Sixty only) to the petitioner with 6% interest from 31.03.2019 to till the date of payment and all other attendant benefits, within a period of three months from the date of receipt of a copy of this order.



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6. With the above direction, this writ petition is disposed of.

No costs.

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Index : Yes / No
Internet : Yes / No
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G.CHANDRASEKHARAN, J.

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