



W.P.(MD)No.15396 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.07.2022

CORAM

THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN

W.P.(MD)No.15396 of 2022

P.Harihara Raman

... Petitioner

Vs.

1. The Principal Secretary to the Government,
Transport Department,
Secretariat, Fort St.George,
Chennai - 600 009.
 2. The Management of Tamil Nadu,
State Transport Corporation (Tirunelveli) Limited,
Represented by its
Managing Director,
Tirunelveli.
 3. The General Manager,
Tamil Nadu State Transport Corporation (Tirunelveli) Limited,
Tirunelveli Region,
Tirunelveli.
 4. The Administrator,
Tamil Nadu State Transport Corporation,
Pension Fund Trust,
Thiruvalluvar Illam, Pallavan Salai,
Chennai - 600 002.
- ... Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus directing the respondents to pay the petitioner, his balance 25% pension arrears from 01.01.2014 to 13.07.2017 with 6% interest per annum.

For Petitioner : Mr.P.Harihara Raman
For Respondents : Mr.A.Sivanu Pandiyan
Government Advocate for R1
Mr.D.Jebaraj
Standing Counsel for R2 to R4

ORDER

The relief sought for in the present Writ Petition is to direct the respondents to pay the balance 25% of pension arrears to the petitioner from 01.01.2014 to 13.07.2017 at 6% interest per annum.

2. The learned counsel for the petitioner submitted that the petitioner joined as Graduate Trainee on 12.04.1981. He retired from service on attaining the age of superannuation on 31.12.2013, when he was holding the post of General Manager subject to continuance of disciplinary



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proceedings pending against him. He was paid 75% of the pension as per Tamil Nadu Pension Rules, 1978. Subsequently, the disciplinary proceedings came to an end with the direction to recover a sum of Rs.22,000/- (Rupees Twenty Two Thousand only). He also paid the said amount. Therefore, he is now entitled for 25% of the terminal benefits withheld by the respondent Corporation. In this regard, he submitted a representation to the respondents on 24.03.2022. There is no order passed on his representation. Therefore, this petition.

3. Mr.A.Sivanu Pandiyan, learned Government Advocate takes notice for the first respondent and Mr.D.Jebaraj, learned Standing Counsel takes notice for the respondents 2 to 4.

4. The records expressly would show that in Memo No. 53816/DL6/SETC TN/2012 dated 23.06.2017, the punishment of postponement of increment for one year with cumulative effect was converted, taking a lenient view, in the matter as per the clarification issued



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by the Government to recover a sum of Rs.22,000/- (Rupees Twenty Two Thousand only) as per the provisions of Tamil Nadu State Transport Corporation Employees' Pension Fund Rules. It is submitted by the learned counsel for the petitioner that this amount is paid. As rightly pointed out by the learned counsel for the petitioner, the disciplinary proceedings came to an end with a payment of Rs.22,000/- (Rupees Twenty Two Thousand only). It is also claimed by the learned counsel for the petitioner that full pension was sanctioned on 14.07.2017. Now, he is entitled for 25% of arrears of pension withheld from 01.01.2014 to 13.07.2017.

5. Considering the claim of the petitioner and the reasonableness in the claim, this Court directs the respondents to consider the petitioner's representation dated 24.03.2022 and pass appropriate orders within a period of twelve weeks from the date of receipt of a copy of this order. If the petitioner is eligible for the amount, the respondents are directed to pay the arrears within a period of three months thereafter.



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6. With the above direction, this Writ Petition is disposed of. No costs.

15.07.2022

Index : Yes / No

Speaking Order : Yes / No

vji

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