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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.10.2023

CORAM

THE HONOURABLE MS. JUSTICE R.N.MANJULA

W.P.No.282 of 2020

1.M.Raviverma

... Petitioner

Vs.

1.The Tamil Nadu State,
Rep. by its Principal Secretary to Government,
Transport Department,
Secretariat, Chennai 600 009.

2.The Tamil Nadu State Transport Corporation
(Kumbakonam) Ltd.,
Rep by its Managing Director,
Railway Station New Road,
Kumbakonam.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus to direct the respondents to settle a sum of Rs.4,30,000/- towards commutation of pension amount and grant periodical increments, review, weightage and settlement benefits with effect from 2004 by treating the period of suspension as duty and consequently, direct the respondents to revise the pension.

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For Petitioner : Mr.D.Soundar Raj

For Respondents : Mr.G.Nanmaran, SGP for R1
Mr.C.Senapathy,Standing Counsel for R2

ORDER

This Writ Petition has been filed seeking issuance of Writ of Mandamus to direct the respondents to settle a sum of Rs.4,30,000/- towards commutation of pension amount and grant periodical increments, review, weightage and settlement benefits with effect from 2004 by treating the period of suspension as duty and consequently, direct the respondents to revise the pension.

2. Heard Mr.D.Soundar Raj, learned counsel for the petitioner and Mr.G.Nanmaran, learned Special Government Pleader for R1 and Mr.C.Senapathy, learned Standing Counsel for R2.

3. The facts of case in brief are as follows:

The petitioner was working as an Office Attender with the second respondent Corporation from 14.04.1988 and retired from service on 31.05.2016 without prejudice to the criminal proceedings pending

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against him. No disciplinary proceedings has been taken against the petitioner so far. The petitioner has already filed a Writ Petition in W.P.No.33617 of 2018 for seeking direction to settle the terminal benefits. In view of the order passed in the said Writ Petition on 11.04.2019, the second respondent settled the terminal benefits due to the petitioner. However, the petitioner is said to be eligible to get commutation, periodical increments, review, weightage and settlement benefits with effect from 2004 by treating the period of suspension as duty and for revision of pension. Hence the petitioner has filed this Writ Petition seeking the above prayer.

4. The learned Standing Counsel for the second respondent submitted that the petitioner has not given any option with regard to commutation of pension and that is the reason why the commutation has not been granted to him. It is further submitted by the learned Standing Counsel for the second respondent that criminal proceedings are pending against the petitioner and hence the petitioner is not eligible to claim the benefit of review, increment and other benefits.

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5. When the review was done in the year 2001 and 2005 respectively, the petitioner was very much in service. So the wage revision, if any, done subsequent to the said review has to be given to all those who were in service at that relevant point of time. Since the petitioner continued to be in service even though the criminal proceedings were pending against him, the second respondent cannot deny the benefits of review to him.

6. With regard to the commutation, it is submitted by the learned counsel for the petitioner that the petitioner has already given his option. But the second respondent has stated that the option was not given. It is quite natural and possible that any employee who chooses to go away from the Department on retirement would give the option to commute pension. Since the petitioner has stated that he has given his option, that can be taken as his option and the second respondent shall consider the sanction of commutation as well.

7. The learned counsel for the petitioner further submitted that the petitioner is also entitled to periodical increments, weightage and

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settlement benefits with effect from 2004 by treating the period of suspension as duty and for revision of pension. The second respondent shall settle such arrears also, if the petitioner is found eligible.

8. With the above observations, this Writ Petition is allowed and the second respondent is directed to settle a sum of Rs.4,30,000/- towards commutation of pension amount and grant periodical increments, review, weightage and settlement benefits with effect from 2004 by treating the period of suspension as duty to the petitioner and consequently, revise the pension of the petitioner. No costs.

10.10.2023

Index : Yes
Internet : Yes/No
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R.N.MANJULA, J.

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To

1.The Principal Secretary to Government,
Transport Department,
Secretariat, Chennai 600 009.

2.The Managing Director,
The Tamil Nadu State Transport Corporation
(Kumbakonam) Ltd.,
Railway Station New Road,
Kumbakonam.

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