



WEB COPY



W.P.No. 28925 of 2012

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.08.2023

CORAM:

THE HONOURABLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No. 28925 of 2012

V.C.Narayana Rao

... Petitioner

Vs.

1. The General Manager,
Integral Coach Factory,
Ayanavaram,
Chennai-600 038.

2. The Chief Personal Officer/ICF,
Integral Coach Factory,
Ayanavaram,
Chennai-600 038.

... Respondents

PRAYER: Writ Petition has been filed under Art. 226 of Constitution of India, praying to issue a Writ of Mandamus, directing the respondents to grant service benefits i.e., Provident fund, Gratuity, Leave Salary, monthly pension and other attendant monetary benefits etc. based on the representation of the petitioner dated 07.08.2008 and 04.09.2008.

For Petitioner	:	Mr.R.Sundaramurthy for Mr.R.G.Annamalai
For Respondents	:	Mrs.A.Shri Jayanthi

ORDER

This Writ Petition has been filed seeking service benefits i.e.,
Provident Fund, Gratuity, Leave Salary, Monthly pension and other
attendant monetary benefits.



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2. Heard the learned counsel appearing for the petitioner as well as the learned counsel appearing for the respondents and perused the materials available on record.

3. According to the petitioner, he had joined in the service of the respondents Organisation as a Clerk on 16.09.1955. He got retirement under the Voluntarily Retirement Scheme on 04.04.1979 and opted to remain in the State Railway Provident Fund (Contributory) Rules. Thereafter, the pension scheme was introduced vide Railway Board's letter dated 16.11.1957 effective from 01.04.1957. At the time of introduction of the pension scheme by the Railways, pension option was allowed to Railway servants, who joined service between 01.04.1957 and 16.11.1957 in preference to the State Railway Provident Fund (Contributory) Rules by which they were governed and the said option was open till 30.09.1959. However, the petitioner had not opted to switch over to the pension scheme.

4. In fact the last date was extended for opting the pension scheme till 30.09.1987. Even then, the petitioner had not opted for the pension scheme and remained to be governed by the State Railway



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Provident Fund (Contributory) Rules. Thereafter, he submitted his voluntarily retirement and the said request was considered and he was relieved from service on 04.04.1979. The payment of ex-gratia to the surviving State Railway Provident Fund (Contributory) Rules, who had retired on superannuation during the period from 01.04.1957 to 31.12.1985. While being so, the petitioner made a representation to settle the retirement benefits. When the petitioner was retired on voluntarily retirement scheme, he was settled with all retirement benefits. Therefore, the request made by the petitioner that too after a period of 29 years from the date of his retirement cannot be considered and the writ petitioner lacks merits and it is liable to be dismissed.

5. Accordingly, this Writ Petition stands dismissed. There shall be no order as to costs.

22.08.2023

Index: Yes/No
Internet: Yes/No
Speaking/Non-Speaking order
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G.K.ILANTHIRAIYAN, J.

Lpp

To

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