



WEB COPY



W.P.No.18576 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.11.2023

CORAM

THE HONOURABLE Ms.JUSTICE R.N.MANJULA

W.P. No.18576 of 2020

D.Kaliaperumal

...

Petitioner

/vs/

1. M/s. State Express Transport Corporation,
Rep. by its Managing Director,
No.2, Pallavan Salai,
Chennai – 600 002.

2. The Administrator,
TNSTC Employees Pension Trust,
Thiruvallur House,
No.2, Pallavan Salai, Chennai – 600 002.

... Respondents

(R2 is suo motu impleaded as per order dated 30.10.2023 in
W.P.No.18576/2020)

Writ Petition is filed under Article 226 of the Constitution of India to issue a writ of mandamus directing the respondent to settle pension arrears of Rs.7,25,860/- pertaining to the period of non-payment of pension from November 2015 to June 2019 and from April 2020 to May 2020 with 6% interest by considering the representation of the petitioner dated 14.09.2020.



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W.P.No.18576 of 2020

For Petitioner ... Mr.D.Soundar Raj
For Respondents ... Mr.K.Kathiresan

ORDER

This Writ Petition has been filed seeking direction to the respondent to settle pension arrears of Rs.7,25,860/- pertaining to the period of non-payment of pension from November 2015 to June 2019 and from April 2020 to May 2020 with 6% interest by considering the representation of the petitioner dated 14.09.2020.

2. Mr.D.Soundar Raj, the learned counsel for the petitioner, submitted that the petitioner was appointed as a Junior Tradesman in the first respondent Corporation and retired as Tradesman on 31.10.2015; the petitioner was dismissed from service vide order dated 14.03.2005 for being absent from work from 17.12.2003 to 14.03.2005.

2.1 The first respondent filed Approval Petition No.50/2005 under Section 33(2) (b) of the Industrial Disputes Act, 1947 to approve the dismissal order; the Authority vide order dated 05.01.2007 refused to grant approval for the petitioner's dismissal because the first respondent violated



W.P.No.18576 of 2020

the mandatory condition of Section 33(2)(b) of the Industrial Disputes Act; the first respondent filed a writ petition in W.P.No.29538/207 and the Court dismissed the writ petition; having got aggrieved, the first respondent preferred an appeal in W.A.No.2557/2013 and the same was also dismissed on 16.02.2018; based on the order of this Court, the petitioner was reinstated into service with effect from 14.03.2005.

2.2. The grievance of the petitioner is that though this Court ordered to pay consequential terminal benefits treating the petitioner's entire service as continuous service, the respondent is paying pension only from the month of July, 2019 instead of paying it from the month of November, 2015 and also failed to pay pension from the month of April, 2020 and May, 2020; hence, the petitioner had made a representation dated 14.09.2020 to the first respondent to settle his pension arrears; since the same was not considered, the present Writ Petition has been filed.

3. Mr.K.Kathiresan, the learned counsel for the respondents submitted that the petitioner can give a fresh representation in this regard



W.P.No.18576 of 2020

to the respondents and the respondents can consider the same and pass orders in accordance with law within a time frame.

4. Considering the facts and circumstances of the case, the petitioner is directed to give a fresh representation in this regard to the respondents and on receipt of the same, the respondents shall pass orders in accordance with law, within a period of four weeks from the date of receipt of representation to be given by the petitioner.

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

22.11.2023

Index: Yes / No
Speaking order / Non-speaking order
bkn



W.P.No.18576 of 2020

To:
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W.P.No.18576 of 2020

R.N.MANJULA ,J.

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W.P.No.18576 of 2020

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