



WEB COPY



W.P.No.26099 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.09.2023

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THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.No.26099 of 2023

S.Arokiasamy

... Petitioner

Versus

1.The Under Secretary,
Transport (TBC) Department,
Government of Tamil Nadu,
Secretariat, Chennai-600 009.

2.The Managing Director,
Metropolitan Transport Corporation (Chennai) Ltd.,
Pallavan Illam, Anna Salai,
Chennai – 600 002.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ in the nature of Mandamus, to direct the 1st respondent to sanction pension to the petitioner as per GO.Ms.378 dated 18.04.1975 R/w G.O.96 dated 31.07.2015 and pass any other order this Court may deem fit.

For Petitioner	:	Mr.S.T.Varadarajalu
For R1	:	Mr.V.P.R.Elamparithi, Additional Government Pleader
For R2	:	Mr.A.Vinodhraj

ORDER

This Writ Petition has been filed to direct the 1st respondent to sanction pension to the petitioner as per G.O.Ms.No.378, dated 18.04.1975



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r/w G.O.Ms.No.96, dated 31.07.2015.

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2.The contention of the learned counsel for the petitioner is that the petitioner was working as Selection Grade Cashier at Ambattur Depot of the 2nd respondent Corporation and retired from service on 31.07.2005 on attaining the age of superannuation. As per the Corporation Pension Scheme, 1998, the petitioner has been sanctioned pension for the service rendered with the Corporation. Despite the same, the 1st respondent has not sanctioned pension. Hence, seeks direction of this Court.

3.Mr.V.P.R.Elamparithi, learned Additional Government Pleader accepts notice on behalf of the 1st respondent and submits that the petitioner rendered only 9 years 5 months of service up to 01.04.1982, hence, he is not eligible for pension.

4.Whereas the learned counsel appearing for the petitioner submitted that one C.Subramaniam, who had put 9 years and 4 months of service were granted pension on the order passed by this Court in W.P.No.10655 of 2009, dated 12.12.2012 and hence, the petitioner is



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eligible to get pension as per G.O.(Ms)No.96, dated 31.07.2015.

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5.It is relevant to note that similarly placed person, who completed 9 years and 4 months of service, was granted pension as per the order of this Court, dated 12.12.2012 in W.P.No.10655 of 2009. In such view of the matter, the 1st respondent is directed to consider the case of the petitioner in the light of the G.O.(Ms)No.96, dated 31.07.2015 and pass orders on merits and in accordance with law, within a period of two months from the date of receipt of a copy of this order.

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

07.09.2023

Index : Yes/No
Internet: Yes/No
Neutral Citation: Yes/No
Speaking Order/Non-Speaking Order

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To

1.The Under Secretary,
Transport (TBC) Department,
Government of Tamil Nadu,
Secretariat, Chennai-600 009.



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N.SATHISH KUMAR, J.

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2.The Managing Director,
Metropolitan Transport Corporation (Chennai) Ltd.,
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Chennai – 600 002.

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