



W.P(MD)No.14685 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 21.06.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.14685 of 2023

Govindaraj

... Petitioner

Vs.

1.The Managing Director,
Tamil Nadu State Transport Corporation
(Kumbakonam) Ltd.,
Kumbakonam, Thanjavur District.

2.The General Manager,
Tamil Nadu State Transport Corporation
(Kumbakonam) Ltd.,
Karaikudi Region, Maruthapathi,
Karaikudi, Sivagangai District.

3.The Administrator,
TNSTC Employees Pension Fund Trust,
Thiruvalluvar Illam, Pallavan Salai,
Chennai.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to pay the provisional pension to the petitioner as per the



W.P(MD)No.14685 of 2023

representation made by the petitioner dated 31.05.2023 as well as
Section 69 of Tamilnadu Pension Rules, 1978.

For Petitioner : Mr.K.Gokul

For Respondents : Mr.K.Ramaiah,
Standing Counsel for R1 & R2.
Mr.S.C.Herold Singh,
Standing Counsel for R3.

ORDER

Heard the learned counsel on either side.

2.The the petitioner was appointed as Driver in the respondent corporation. He retired on 31.03.2023. In the year 2018, the petitioner's bus was involved in a fatal accident. In this regard, Crime No.127 of 2018 was registered on the file of the Inspector of Police, Rameswarm Police Station for the offences under Sections 279 and 304(A) of IPC. The petitioner was eventually acquitted on 04.04.2022. Yet the petitioner was visited with charge memo and punishment of five years increment cut with cumulative effect was passed on 29.06.2019. Reduction had also been made. Challenging the same, the petitioner filed



W.P(MD)No.14685 of 2023

W.P.(MD)No.24364 of 2022. It is still pending. During the pendency of the writ petition, the petitioner reached the age of superannuation. Notwithstanding the fate of the writ petition, the petitioner's entitlement to receive pension cannot be in doubt. In any event, till passing of final order by the management, the petitioner has to be paid provisional pension. Withholding the same is clearly illegal. The respondents are therefore directed to pay provisional pension to the petitioner along with arrears till final order is passed.

3.This writ petition is allowed accordingly. No costs.

21.06.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
ias



WEB COPY



W.P(MD)No.14685 of 2023

G.R.SWAMINATHAN, J.

ias

W.P(MD)No.14685 of 2023

21.06.2023