



W.P.(MD).No.18042 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 16.06.2023

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD).No.18042 of 2019

S.Velammal

... Petitioner

Vs.

1.Tamil Nadu State Transport
Corporation (Tirunelveli) Limited,
Represented by its,
The Managing Director,
Tirunelveli.

2.The General Manager,
Tamil Nadu State Transport Corporation,
(Tirunelveli) Limited,
Tirunelveli Region,
Tirunelveli.

3.The Administrator,
Tamil Nadu State Transport Corporation,
Pension Fund Trust,
Thiruvalluvar House,
Pallavan Salai,
Chennai – 2.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Declaration, declaring the action of the respondents in sanctioning and paying the petitioner only 75 % of the monthly



W.P.(MD).No.18042 of 2019

pension from 01.06.2018 as illegal, arbitrary and consequently direct the respondents to pay her full monthly pension with arrears payable from 01.06.2018 together with interest at the rate of 18% per annum for the arrears payable to the petitioner from 01.06.2018 to till the date on which the above arrears of pension is settled to the petitioner.

For Petitioner : Mr.A.Rahul

For R-1 and R-2 : Mr.K.Sathiyasingh,
Standing Counsel.

For R-3 : Mr.S.C.Herold Singh

ORDER

This Writ Petition is filed to declare the action of the respondents in sanctioning and paying the petitioner only 75 % of the monthly pension from 01.06.2018 as illegal and consequently direct the respondents to pay her full monthly pension with arrears payable from 01.06.2018 together with interest at the rate of 18% per annum for the arrears payable to the petitioner from 01.06.2018 to till the date on which the above arrears of pension is settled to the petitioner.



W.P.(MD).No.18042 of 2019

2. The petitioner was serving in the respondent Transport Corporation.

The petitioner was on the verge of retirement dated 30.05.2018. However, the petitioner's daughter-in-law preferred a false complaint against the petitioner and his son namely, Ganesan as if the petitioner had demanded rent from the daughter-in-law on 20.04.2018 at about 9.30 p.m. Therefore, a criminal case was registered in Crime No.119 of 2018 on 21.04.2018 for the offences under Section 294, 323, 506(i) of IPC and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 2002 against the petitioner and his son. The petitioner was arrayed as accused no.2. The petitioner was enlarged on anticipatory bail. The respondents have issued charge memo dated 16.05.2018 based on the criminal case and the petitioner had submitted his explanation. Thereafter, the respondents have imposed the punishment of fine of Rs.1000/- and it was also remitted on 31.05.2018. Thereafter, on 31.05.2018, the petitioner was allowed to retire as well. The contention of the petitioner is that the respondents have granted provisional pension from 01.05.2018 until 28.02.2020. Thereafter, they have paid full pension. However, the respondents failed to pay the full pension from 01.05.2018. Therefore, the petitioner is praying to direct the respondents to pay the full pension for a period from 01.05.2018 to 28.02.2020. Since the petitioner has acquitted from the criminal



W.P.(MD).No.18042 of 2019

case, there is no impediment for the respondents to pay the full pension.

Therefore, this Court is directing the respondents to pay full pension from 01.05.2018 to 28.02.2020.

3. However, the learned counsel appearing for the respondents submitted that the arrears have been paid, but the petitioner submitted that the same is not paid. Therefore, this Court is directing the respondents to pay the arrears of difference in pension from 01.05.2018 to 28.02.2020, if any. If already paid, the respondents shall serve the copy of the calculation sheet and the date on which it was paid to the petitioner. The said exercise shall be completed within a period of four weeks from the date of receipt of a copy of this order.

4. With the above direction, this Writ Petition is disposed of. There shall be no order as to costs.

16.06.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
Nsr



W.P.(MD).No.18042 of 2019

To

WEB COPY

- 1.The Managing Director,
Tamil Nadu State Transport
Corporation (Tirunelveli) Limited,
Tirunelveli.
- 2.The General Manager,
Tamil Nadu State Transport Corporation,
(Tirunelveli) Limited,
Tirunelveli Region,
Tirunelveli.
- 3.The Administrator,
Tamil Nadu State Transport Corporation,
Pension Fund Trust,
Thiruvalluvar House,
Pallavan Salai,
Chennai – 2.



WEB COPY



W.P.(MD).No.18042 of 2019

S.SRIMATHY, J.

Nsr

W.P.(MD).No.18042 of 2019

16.06.2023