



W.P.(MD).No.10887 of 2014

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

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**DATED : 30.03.2023**

**CORAM**

**THE HONOURABLE MRS.JUSTICE S.SRIMATHY**

**W.P.(MD).No.10887 of 2014**

**and**

**M.P.(MD).No.1 of 2014**

C.Vijayarani Augusta

... Petitioner

**Vs.**

1.The General Manager,  
Tamil Nadu State Transport Corporation,  
Trivandrum Road,  
Tirunelveli – 627 003.

2.The Branch Manager,  
Tamil Nadu State Transport Corporation,  
Tiruchendur,  
Tuticorin District.

... Respondents

**Prayer** : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the order passed by the first respondent in Ka.No.0606.Ma.Ka.Vai3/TNSTC/Tili/12 dated 07.09.2012 and quash the same as illegal and consequent direct the respondents to disburse the commutation amount within a time frame fixed by this Court.

For Petitioner : No Appearance

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



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## **ORDER**

This Writ Petition is filed to quash the order dated 07.09.2012 with a consequential direction to disburse the commutation amount.

2. In earlier round of litigation, the learned counsel for the petitioner is not present to prosecute the case. Therefore, the Hon'ble Court dismissed the same on 26.08.2019 for non-prosecution. Thereafter, the petitioner has filed the Condone Delay petition along with restoration petition, which is listed under the caption of condone delay today. Today when the case was called, the learned counsel appearing for the petitioner was not present. Hence, the case was passed over and again when the petition was called in the afternoon, then also the Learned Counsel did not appear. Therefore, this Court is proceeded further to pass an order on merits.

3. The claim of the petitioner is to grant commutation of pension eligible to her deceased husband. The respondents have stated that an employee would be entitled to commutation only when the employee is alive. An employee is eligible for commuting the pension at the time of retirement or during the retirement years. Since in the present case, the employee died after retirement



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but before getting retirement benefits, the deceased employee is not entitled to commutation of pension. Hence, the petitioner is not entitled to commutation pension. Therefore, the impugned order is legally sustainable. Therefore, this Writ Petition cannot be entertained.

4. For the reasons stated supra, this Writ Petition is dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

**30.03.2023**

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

To

1.The General Manager,  
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Trivandrum Road,  
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2.The Branch Manager,  
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**S.SRIMATHY, J.**

Nsr

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