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W.P.(MD)No.8514 of 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.06.2023

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD)No.8514 of 2016
and
W.M.P.(MD)No.6816 of 2016

M.A.Mahboob Basha

... Petitioner

VS.

1.The Managing Director,
The Tamil Nadu State Transport
Corporation (Madurai) Limited,
Bye-Pass Road, Madurai-625 016.

2.The Administrator,
The Tamil Nadu State Transport Corporation
Employees Pension Fund Trust,
Thiruvalluvar House,
Pallavan Salai, Chennai-600 002.

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Declaration, to declare that the action of the respondents in reducing the petitioner's monthly pension without notice and without assigning any reason, is illegal, arbitrary and unconstitutional and consequently, to direct the respondents to restore the petitioner's pension which was paid to the petitioner for the month of January 2016 and to refund the pension amount which was reduced so far.

For Petitioner : Mr.C.Thangamani
For R1 : Mr.J.Senthil Kumaraiah
For R2 : Mr.S.C.Herold Singh

ORDER

This writ petition is filed for writ of Declaration, to declare that the action of the respondents in reducing the petitioner's monthly pension without notice and without assigning any reason, is illegal, arbitrary and unconstitutional and consequently, to direct the respondents to restore the petitioner's pension which was paid to him for the month of January 2016



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and to refund the pension amount which was reduced so far.

2. Without passing any orders and without assigning any reasons, the respondents have revised the scale of pay. The contention of the petitioner is that the said revision is irregular, which is not in accordance to the service rules of the respondent Transport Corporation and prayed that the respondents ought to grant the original pension payment. The issue was put to challenge and it is pending before the principal seat in W.P.No.5342 of 2016.

3. In this writ petition, the petitioner is a retired person. Based on that revision, their pensionary benefits were also revised. In the Principal Seat, the Hon'ble Court has granted an interim order. Based on the interim order, the revised pay was being paid by the respondents to all the employees and to the retired persons also, the original pension was being paid and the petitioner is also paid the original pension.



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4. Therefore, the writ petition is dismissed as infructuous. Since the petitioner is being paid the original pension amount, this writ petition has become infructuous. The rights of the petitioner and respondents will be decided based on the outcome of the writ petition which is pending before the Principal Seat of this Court. Therefore, the petitioner is at liberty to approach this Court after the disposal of the writ petition pending before the Principal Seat. If the petitioner is aggrieved by any portion of the order that would be passed in the writ petition in Principal Seat, the petitioner is at liberty to challenge the order.

5. With the above said observation, the writ petition is closed as infructuous. No costs. Consequently, connected miscellaneous petition is closed.

Index : Yes / No
Internet : Yes
NCC : Yes / No
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S.SRIMATHY, J

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