



W.P(MD)No.27766 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.11.2023

CORAM

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.27766 of 2023

A.Poongothai

... Petitioner

Vs.

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

2.The Administrator,
Tamil Nadu State Transport Employees'
Pension Fund Trust,
Thiruvalluvar Illam,
Anna Salai,
Chennai-2.

... 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 petitioner arrears of pension payable to her husband/deceased employee A.Ayyanar with Staff No.83042, together with 18% interest per annum and also



W.P(MD)No.27766 of 2023

interest at the rate of 18% for belated payment of his terminal benefits from 01.12.2012 to the dates of settlement of the benefits.

For Petitioner : Mr.S.Arunachalam

For R-1 : Mr.S.Sivabalaji
Standing Counsel

For R-2 : Mr.S.C.Herold Singh
Standing Counsel

ORDER

The present writ petition has been filed by the wife of a deceased Clerical Staff of the respondent Transport Corporation seeking a Mandamus for disbursal of arrears of pensionary benefits.

2. As per the contentions of the learned Counsel appearing for the writ petitioner, the deceased employee was dismissed from service on 24.03.1997. The dismissal order was not approved by the competent authority. Challenging the same, the Management had filed W.P.No.21567 of 2005. Pending writ petition, the employee had attained superannuation on 31.03.2007. On 23.11.2012, this Court was pleased to confirm the order of the competent authority rejecting approval for dismissal from service.



W.P(MD)No.27766 of 2023

WEB COPY

3. The deceased started receiving pension only from December 2017 onwards. He had passed away on 09.01.2021 and the writ petitioner, namely, the wife of the deceased is receiving family pension from the said date onwards. Now, the present writ petition has been filed seeking the arrears of pensionary benefits from 01.04.2007 to November 2017 along with interest.

4. The learned Standing Counsel appearing for the respondents submits that though they have to pay the pension arrears, they may be permitted to pay the same in installments and without any interest.

5. The petitioner's husband had attained superannuation on 31.03.2007 and the dispute with regard to his dismissal was pending before this Court till 23.11.2012. Therefore, the respondent Management had some reasonable cause for not disbursing the pension atleast till 23.11.2012. Thereafter, the respondent Management has accepted the orders of this Court and hence, they should have released the pension to the husband of the petitioner. However, the pension was first released to the deceased employee only in December 2017.



WEB COPY



W.P(MD)No.27766 of 2023

6. In view of the above said discussions, this Court is inclined to passes the following order:

"(i) The pensionary arrears of the deceased employee for the period from 01.04.2007 till November 2012 shall not carry any interest, if the same is paid within a period of eight (8) weeks from the date of receipt of a copy of this order.

(ii) The pensionary arrears between December 2012 and November 2017 shall be paid in six equal monthly installments and the said amount will carry 6% interest from December 2012 onwards.

(iii) The interest for the EPF amount shall be paid at the rate of 6% from November 2012 till November 2017.

(iv) The interest for the belated payment of Gratuity amount shall be at the rate of 6% from December 2012 till May 2017. The above amount shall be disbursed within a period of twelve (12) weeks from the date of receipt of a copy of this order."



W.P(MD)No.27766 of 2023

WEB COPY

7. This writ petition stands allowed to the extent as stated above. There shall be no order as to costs.

27.11.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes
BTR

To

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Madurai.

2.The Administrator,
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W.P(MD)No.27766 of 2023

R.VIJAYAKUMAR, J.

BTR

W.P(MD)No.27766 of 2023

27.11.2023