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W.P.No.3556 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.01.2024

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P. No.3556 of 2021

E.Abdul Shukur (died)

2. A.Saleena Bee

3. A.Nazeemunisha

4. A.Samusdin

5. A.Kalimunisha

...

Petitioners

(P2 to P5 are substituted as Legal Representatives of the deceased petitioner as per Order dated 05.01.2024 in W.M.P.No.14927 of 2023)

Vs.

The General Manager,
State Transport Corporation Limited,
Villupuram,
Villupuram District - 606 602.

... Respondents

Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the Respondent to pay petitioner's pension dues from 30.11.2006 to 30.10.2019 from 01.11.2019 to 01.01.2021 with correct monthly pension and other service benefits.

For Petitioners : Mr.R.Sathiyakumar

For Respondent : Mr.S.Pavithra



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ORDER

WEB COPY The petitioner who was working as a conductor in the respondent Corporation, has filed this Writ Petition, seeking a direction to the respondent to pay him the pension dues between the period from 30.11.2006 to 30.10.2019 and from 01.11.2019 to 01.01.2021.

2. During the pendency of the Writ Petition, the sole petitioner died and hence, the legal heirs of the deceased petitioner were brought on record. The deceased petitioner who was dismissed from service, has challenged the order of dismissal before the Labour Court and the same was dismissed. Aggrieved over the same, the deceased petitioner has filed a Writ petition before this Court in W.P.No.17619 of 2011 and same was allowed, directing the respondents therein to reinstate the deceased petitioner along with back wages, pension and other service benefits. Aggrieved over the same, a Writ Appeal has been preferred by the respondent Corporation in W.A.No.618 of 2015 and the same was partly allowed by modifying the order of the learned Single Judge to the effect of not granting back wages and granting pensionery and other benefits as on 28.11.2006. Pursuant to the same, no pension was paid and hence, the



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deceased petitioner filed a Writ Petition in W.P.No.33078 of 2019 to consider the representation made by him and the same was allowed.

Subsequently, a Contempt Petition was filed in Cont.P.No.1080 of 2020.

As the respondent Corporation paid a sum of Rs.1,07,970/- towards Gratuity, the Contempt Petition was closed. Now, the Respondent Corporation is paying Rs.1,256/- per month towards pension to the petitioner from 01.11.2019.

3. Mr.R.Sathiyakumar, learned counsel for the petitioners submitted that though the 1st petitioner's husband is entitled to Rs.3200/- per month as pension, they petitioners are receiving only Rs.1,256/- per month. In this regard, the petitioners have made representation to the respondent and the same was not considered yet.

4. Ms.S.Pavithra, learned counsel for the respondent submitted that there is no difference of pension amount due to be paid to the petitioner and all that the deceased petitioner is entitled, have already been paid to them and the petitioners have raised the claim basing on their own



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calculation. However, it is up to the petitioners to make fresh representations with calculation memo, in order to enable the respondent to consider the same.

5. In the result, this Writ Petition is dismissed. No costs.

12.01.2024

Index: Yes / No
Speaking order / Non-speaking order
vum

To:

The General Manager,
State Transport Corporation Limited,
Villupuram,
Villupuram District - 606 602.



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12.01.2024