IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.03.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.7048 of 2024
and
W.M.P.No.7874 of 2024

1. A.Sekar
2. K.Elumalai
3. P.Venkatesan .... Petitioners

Vs

1. The Commissioner,
O/o. The Commercial Tax Commissioner Office,
Chepakkam,
Chennai – 600 005.

2. The Additional Commissioner
Cum Chief Executive Officer (Non GST),
Tamil Nadu Traders Welfare Board,
Joint Building, Office of Commercial Tax Department,
Elilazham, Chennai – 600 005. .... Respondents

Prayer : Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records order in impugned rejection letter in Letter No.V3/38676/2010 dated 02.08.2019 issued by the first respondent and quash the same and consequently directing the first respondent to take suitable action to give pension and other retirement benefits to the petitioners.

For Petitioners : Mr.K.Kalimuthu

For Respondents : Mrs.K.Vasanthamala
Government Advocate

ORDER

This Writ Petition has been filed challenging the order passed by the first respondent dated 02.08.2019, thereby rejected the claim made by the petitioner seeking pension and other terminal benefits.

2. Heard the learned counsel appearing on either side and perused the materials available on record.

3. The petitioner was provisionally appointed as Office Assistant in the second respondent Board on 15.10.1993. The first petitioner was regularised from 30.061994, the second petitioner was regularised from 01.05.1995 and the third petitioner was regularised from 02.01.1996. They attained the age of superannuation. On enquiry, they came to know that they were not eligible for pension benefits. Therefore, they submitted representation and the same was rejected by an order dated 02.08.2019.

4. On instructions, the learned Government Advocate appearing for the respondents submitted that there is no scheme for adhoc Rules under the Tamil Nadu Traders Welfare Board. Therefore, the petitioners are not eligible to receive any pension or terminal benefits on their attainment of

superannuation.

5. That apart, the rejection order has been challenged after a period of five years. There is absolutely no valid explanation for the delay in filing the writ petition. Therefore, this Court finds no infirmity or illegality in the order passed by the first respondent dated 02.08.2019. Thus, the writ petition is devoid of merits and is liable to be dismissed.

6. Accordingly, this Writ Petition stands dismissed. Consequently, connected miscellaneous petition is closed. No costs.

19.03.2024

Index : Yes/No
Speaking/Non Speaking order
Neutral Citation : Yes/No
Lpp

To

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Chennai – 600 005.

2. The Additional Commissioner
Cum Chief Executive Officer (Non GST),
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Joint Building, Office of Commercial Tax Department,
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G.K.ILANTHIRAIYAN. J,

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