



W.P.No.14517 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.02.2024

CORAM:

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

W.P.No.14517 of 2022

M.Selvi

... Petitioner

Vs.

1.The Secretary to Government,
Transport Department,
Fort St.George,
Chennai 600 009

2.The Managing Director,
Metropolitan Transport Corporation
(Chennai) Ltd.
Pallavan Illam, Anna Salai,
Chennai 600 002

3.The Administrator,
Tamilnadu State Transport Corporation
Employees Pension Trust,
Thiruvalluvar Illam, Pallavan Salai,
Chennai 600 002

(3rd respondent impleaded vide order
dated 27.02.2024 made in WMP.No.17713
of 2022 in WP.No.14517 of 2022)

... Respondents

PRAYER:



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Writ Petition is filed under Article 226 of Constitution of India praying to issue a writ of mandamus directing the respondents to claim and pay the life time pension arrears payable to the deceased pensioner V.Raju to his legal heirs from 01.04.2009 to till 23.03.2018 with interest @ 9% from 1.4.2009.

For Petitioner : Mr.K.Malaikannu

For Respondents

For R1 : Mrs.R.L.Karthika,
Government Advocate

For R2 : Mr.C.Gouthamraj,
Standing Counsel

ORDER

This writ petition has been filed for issuance of Writ of Mandamus directing the respondents Transport Corporation to claim and pay the life time pension arrears payable to the deceased pensioner V.Raju to his legal heirs from 01.04.2009 to till 23.03.2018 with interest @ 9% from 1.4.2009.

2. It is seen from records that the petitioner's father was



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appointed in permanent vacancy as Driver in the year 1971 in the erstwhile Tamil Nadu State Transport Department. His services were regularized. Thereafter, he was absorbed in the newly formed Pallavan Transport Corporation. The petitioner's father submitted his voluntary retirement and it was accepted and he was relieved from services on 31.12.1994.

3. It is the further case of the petitioner that the Government of Tamil Nadu had issued G.O.(Ms.)No.42 dated 27.05.2005 pursuant to the judgment of the Hon'ble Supreme Court to the effect that pension must be paid to those employees who are appointed in the erstwhile Tamil Nadu State Transport Department and thereafter were placed on deputation to the Pallavan Transport Corporation Limited and completed ten years of service as on 01.04.1982.

4. The petitioner's father requested the respondents to pay the pension in accordance with the above said Government Order. His request was not considered. Subsequently, the petitioner's father filed a claim petition before the Labour Court in Claim Petition No.58 of 2009



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seeking for a monetary value of the pension arrears from 01.01.1988 to 31.03.2009. The claim petition was allowed by the Labour Court by an order dated 27.09.2013 and the respondents were directed to pay a sum of Rs.3,61,847/- with 12% interest within a period of eight weeks. This order was put to challenge before this Court in W.P.No.14422 of 2014 and the writ petition was dismissed and it was further confirmed by this Court in the Writ Appeal and in the SLP that was filed before the Hon'ble Supreme Court.

5. In spite of above developments, the respondents failed to pay the computed money value of arrears of pension and therefore, the petitioner's father filed an Execution Petition. After the filing of the execution petition, the pension arrears up to 31.03.2009 was paid to the petitioner's father. Thereafter, the petitioner's father requested the second respondent to pay regular pension with arrears of pension from 01.04.2009. This request made by the petitioner's father, who thereafter died on 23.03.2018, was not considered and left with no other option, the petitioner has approached this Court by filing the present writ petition seeking for appropriate directions.



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

7. There is no doubt regarding the entitlement of the pension payable to the petitioner's father since the same has been confirmed by the order of the Labour Court, which was further confirmed by this Court. It was only pursuant to the orders passed by the Labour Court in the Claim Petition, the petitioner's father was paid pension arrears up to 31.03.2009. Therefore, it is not necessary for this Court to consider the issue as to whether the petitioner's father will be entitled for the pension at this stage. The only consideration is with regard to the direction that requires to be given to the second respondent for payment of regular pension to the petitioner's father and for payment of arrears of pension from 01.04.2009 till the date of payment of the regular pension.

8. The petitioner's father, who had put in nearly 23 years of service had been knocking the doors of the Court at every stage claiming for pension benefits. Every time, the amount was paid to the petitioner's father only after a prolonged legal battle and now he is no more. This is



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one more occasion, where the petitioner who is his legal heir has been made to approach this Court seeking for payment of pension and arrears of pension.

9.In view of the above discussion, since this Court had already found that the petitioner's father had a requisite qualification of 10 years as prescribed in G.O.(Ms.)No.42 dated 27.05.2005, the natural corollary must be to direct the respondents to pay the pension and the arrears of pension.

10.This writ petition is disposed of with a direction to the petitioner to make a fresh representation to the second respondent by giving complete particulars with all supporting materials. The second respondent on receipt of the representation from the petitioner shall process the same and forward it to the first respondent within a period of six weeks from the date of receipt of the representation. The first respondent on receipt of the proposal from the second respondent shall pass necessary orders with regard to life time pension arrears from 01.04.2009 to 23.03.2018 with interest from 01.04.2009 till the payment of arrears of pension. This process shall be completed by the first respondent within a period of 12



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weeks thereafter. The petitioner is the legal heir and therefore the time fixed by this Court will have to be strictly complied with and the necessary orders will have to be passed to ensure that the petitioner gets the benefits at the earliest possible date. It is made clear that the legal heirs of the petitioner are entitled for life time arrears of pension from 01.04.2009 to 23.03.2018 with interest at the rate of 9% per annum from 01.04.2009 till the date of payment.

11.This writ petition is disposed of with the above directions. No costs.

27.02.2024
(2/2)

Internet: Yes
Index: Yes/No
Speaking/Non-speaking order
lok

G.K.ILANTHIRAIYAN, J.

lok

To

- 1.The Secretary to Government,
Transport Department,
Fort St.George,
Chennai 600 009
- 2.The Managing Director,



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