



W.P.(MD).No.6246 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 29.08.2024

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.6246 of 2022

and

W.M.P(MD) No.4850 of 2022

T.Narayanan
Driver (Retired)
S/o. Thangaiah Nadar,
Paruthivillai,
Mandaikadu Post,
Kanyakumari District.

... Petitioner

Vs.

1. The Managing Director,
State Express Transport Corporation
Tamil Nadu Limited,
Chennai – 2.
2. The General Manager,
State Express Transport Corporation
Tamil Nadu Limited,
Chennai – 2.
3. The Branch Manager,
State Express Transport Corporation
Tamil Nadu Limited,
Kanyakumari Depot,
Kanyakumari District.



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4. The Assistant Manager,
State Express Transport Corporation Employees,
Provident Fund Trust,
Chennai – 2.

5. The Administrator,
Tamil Nadu State Transport Corporation Employees,
Pension Fund Trust,
Thiruvalluvar Illam,
Pallavan Salai,
Chennai – 2.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records connected with the impugned order passed by the fourth respondent in Letter No.002241/y1/vai.Ni/ AVPOKa T.N/2019, dated 01.04.2019, quash the same and consequently, direct the respondents to settle the arrears of wages for the period from the date of discharge on 20.09.1996 till the date of retirement on 31.07.2002 with all monetary and service benefits with pay protection and also grant and settle arrears of Pensionary benefits from the date of retirement on 31.07.2002 and also to settle the benefits available under the Employees Family Benefit Fund Scheme with 18% interest in the light of the judgment of the Hon'ble Supreme Court reported in 2008 (2) L.L.N. 1 and the Division Bench Judgment of this Hon'ble High Court reported in 2014-IV-LLJ-591 (Mad).

For Petitioner	: Mr.S.Govindan
For Respondents	: Mr.S.C.Herold Singh
	Standing Counsel



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ORDER

The present Writ Petition has been filed by a Driver of the respondent Transport Corporation, challenging the order dated 01.04.2019, wherein his request for disbursement of pension has been rejected on the ground that the petitioner was removed from service in the year 1996 and since the petitioner was removed from service, he is not eligible for pension.

2. A perusal of the typed set of papers indicates that the petitioner has been removed from service on the ground of medical invalidation, by an order dated 18.09.1996, based upon the report of the Medical Board.

3. According to the learned counsel appearing for the writ petitioner, such an order is not valid in the eye of law and therefore, he is eligible to receive the pension and all other terminal benefits, as he attained superannuation on 31.07.2002.

4. This Court is not inclined to consider the said request of the writ petitioner for disbursement of terminal benefits, since the petitioner has



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already been removed from service. This Writ petition stands disposed of with liberty to the petitioner to challenge the order dated 18.09.1996, if he is so advised. There shall be no order as to costs. Consequently, connected Miscellaneous Petition stands closed.

29.08.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
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R.VIJAYAKUMAR,J.

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