



W.P.(MD)No.15807 of 2021

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.08.2024

CORAM

THE HON'BLE MR.JUSTICE ABDUL QUDDHOSE

W.P.(MD)No.15807 of 2021

K.Narayana Pillai

: Petitioner

Vs.

1.The State of Tamil Nadu,
Rep. by the Secretary to Government,
Transport Department,
Fort St. George,
Chennai – 600 009.

2.The Managing Director,
State Express Transport Corporation,
Pallavan Salai,
Chennai – 600 002.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus, directing the respondents to sanction and pay petitioner family pension for his Government service rendered in the erstwhile State Express Transport Corporation.



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For Petitioner : Mr.S.Ramakrishnan
For Respondent No.1 : Mr.G.Suriya Ananth
Additional Government Pleader
For Respondent No.2 : Mr.S.C.Herold Singh,
Standing Counsel

ORDER

This Writ Petition has been filed for a Mandamus seeking for a direction to the respondents to sanction and pay pension for the services rendered by him in the erstwhile State Transport Corporation.

2.A counter affidavit has been filed by the respondents denying the contentions of the petitioner. They would categorically state that since the petitioner has opted for OSSR Scheme [Tamil Nadu Transport Department Operational Subordinate Retiring Invalid and Compassionate Gratuity (Non Pension Establishment Rules)], the question of granting pension does not arise.

3.Learned Standing Counsel for the respondent Transport Corporation has also placed the service records pertaining to the petitioner, wherein the petitioner on 16.12.1974 has submitted a declaration to the respondent Transport Corporation that he does not



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like to be governed by the provisions of G.O.Ms.No.212 dated 28.03.1974 and he voluntarily opts to be governed by OSSR Scheme.

The declaration submitted by the petitioner to the respondent Transport Corporation on 16.12.1974, is reproduced hereunder:

"FORM OF DECLARATION:

*I K.Narayana Pillai
(Name), working as Driver (Category) (St.No.)
5127 in the Ayyanavaram (Depot / Workshop)
having read the contents of G.O.Ms.No.212,
Transport Dept., dated 28.03.1974 hereby declare
that "I do not like to be governed by the provisions
of this G.O. and voluntarily opt to be governed by
my existing terms and conditions of service."*

*The option once exercised shall be final.
Those who do not exercise any option shall
automatically come under the Madras Liberalised
Pension Rules, 1960."*

4.The petitioner has filed this Writ Petition in the year 2021, though he retired from service on 30.06.1994. Both on the ground of laches and on the ground that the petitioner himself has voluntarily opted to be governed under OSSR Scheme, the question of payment of pension to the petitioner, as sought for in this Writ Petition does not arise.



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5.In the result, there is no merit in this Writ Petition.

6.Accordingly, this Writ Petition is dismissed. There shall be no order as to costs.

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Index :Yes / No

Internet : Yes / No

NCC : Yes/No

MR



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To

1.The Secretary to Government,
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Transport Department,
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2.The Managing Director,
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ABDUL QUDDHOSE, J.

MR

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