



W.P.(MD).No.17607 of 2021

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.06.2024

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.17607 of 2021

G.Anbalagan

... Petitioner

Vs.

1.The Administrator,
Tamil Nadu State Transport Employee's
Pension Fund Trust,
Thiruvalluvar Illam,
Anna Salai, Chennai-2.

2.The Managing Director,
Tamil Nadu State Transport Corporation
(Kumbakonam) Limited,
Kumbakonam,
Thanjavur.

3.The General Manager,
Tamil Nadu State Transport Corporation
(Kumbakonam) Limited,
Trichy Region,
Trichy.

4.The Assistant Manager (Legal),
Tamil Nadu State Transport Corporation
(Kumbakonam) Limited,
Trichy Region,
Trichy.

... Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to take necessary action on the basis of the petitioner's representation, dated 02.02.2021 with regard to pay the full pension and other terminal benefits within a time stipulated by this Court.

For Petitioner : Mr.D.Anbarasu

For R1 : Mr.S.C.Herold Singh
Standing Counsel

For R2-R4 : Mr.K.Ramaiah
Standing Counsel

ORDER

The present writ petition has been filed seeking direction to the respondents to take necessary action on the basis of the petitioner's representation, dated 02.02.2021 with regard to pay the full pension and other terminal benefits.

2. The petitioner was appointed as permanent Driver in the respondent Corporation from 29.06.2007. While he retired from service on attaining the age of superannuation on 31.05.2018, he served as Senior Grade Driver. Since he was not paid with terminal and pension benefits after retirement, he filed



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W.P(MD)No.18969 of 2018 before this Court. This Court by an order, dated 31.08.2018 had disposed of the said writ petition and the operative portion of the same is extracted as follows:

“6. The aforesaid facts are not in dispute. Even assuming that the petitioner is going to face an adverse order, the benefits already availed has got to be paid to the petitioner, which cannot be deprived. As the issue with regard to the back wages alone is pending before this Court in Writ Appeal, the respondents are directed to release the terminal benefits to the petitioner in 12 equal monthly installments. The first installment shall commence by making payment on or before October, 2018 and the amount in each of the remaining installments shall be paid on or before 10th of every succeeding month, excluding the disputed period, without prejudice to the contention of both parties in the writ petition / Appeal. The terminal amount shall carry interest @ 6% per annum and in case of delay in making installments, the interest payable could be 18% for the delayed period.”

3. Pursuant to the same, only 25% of the retirement benefits to which the petitioner is entitled to came to be paid by the respondent Corporation and hence, the petitioner made a fresh representation on 02.02.2021 to the respondents. Since the same was not considered, this writ petition came to be filed.



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4. The learned Standing Counsel appearing for the respondent Corporation submits that the Corporation would duly consider the representation of the petitioner, dated 02.02.2021.

5. In view of the submission made by the learned Standing Counsel appearing for the respondent Corporation, this Court hereby direct the respondent Corporation to consider the representation of the petitioner, dated 02.02.2021 on merits and in accordance with law and pay the balance terminal benefits to which the petitioner is entitled to within a period of eight (8) weeks from the date of receipt of copy of this order.

6. With the above direction, this Writ Petition stands disposed of. No costs.

07.06.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes

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L.VICTORIA GOWRI, J.

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