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W.P.(MD) No.18201 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.10.2024

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.(MD) No.18201 of 2019

K.Ganesan

... Petitioner

-VS-

1.The Managing Director
Tamil Nadu State Transport
Corporation (Kumbakonam) Limited
Kumbakonam

2.The General Manager
Tamil Nadu State Transport
Corporation (Kumbakonam) Limited
Pudukkottai Region
Pudukkottai

3.The Administrator
Tamil Nadu State Transport
Corporation Pension Fund Trust
Thiruvalluvar Illam
Pallavan Salai
Chennai-2

... Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus to direct the respondents to forthwith transfer and remit Rs.1,58,126/- together with interest at the rate of 18% per annum payable from 15.09.2012 to till the date on which the above amount is remitted to the petitioner's Contributory Pension Scheme account bearing C.P.S.No.7175528 maintained by Chief Educational Officer of Pudukottai District of Tamil Nadu School Education Department.

For Petitioner : Ms.Hema Bharathi
for Mr.A.Rahul

For Respondents : Mr.P.Balasubramanian
Standing Counsel for R1 & R2
Mr.S.C.Herold Singh
Standing Counsel for R3

ORDER

This writ petition has been filed for a mandamus seeking for a direction to the respondents to forthwith transfer and remit Rs.1,58,126/- together with interest at the rate of 18% per annum payable from 15.09.2012 till the date on which the said amount is remitted to the petitioner's Contributory Pension Scheme account bearing C.P.S.No.7175528 maintained



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by the Chief Educational Officer of Pudukottai District of Tamil Nadu School Education Department.

2. The petitioner was earlier working with the respondent – Transport Corporation. However, on 15.09.2012, he resigned from the respondent – Transport Corporation. According to the petitioner, on the same day, a relieving order was also issued to him relieving him from the service of the respondent – Transport Corporation. The petitioner claims that subsequent to his resignation from the service of the respondent – Transport Corporation, he was appointed as a Teacher in the Education Department of the Government of Tamil Nadu. On he being appointed as a Teacher in the Education Department, the petitioner gave a representation to the respondents to forthwith transfer and remit Rs.1,58,126/- together with interest at the rate of 18% per annum payable from 15.09.2012 till the date on which the said amount is remitted to his Contributory Pension Scheme account bearing C.P.S.No.7175528 maintained by the Chief Educational Officer of Pudukottai District of Tamil Nadu School Education Department. However, according to the petitioner, till date, the said amount has not been transferred to his Contributory Pension Scheme account bearing C.P.S.No.



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7175528. Under those circumstances, this writ petition has been filed.

3. A counter affidavit has also been filed by the respondents denying the contentions of the petitioner. They would submit that since the petitioner did not obtain permission for joining the Government service as a Teacher after his resignation, the relief sought for by the petitioner in this writ petition cannot be granted. The respondents have also relied upon Rule 16 of the TNSTC Pension Rules and they would submit that as per the said Rule, prior permission is required for joining the Government service on the employee's resignation from the respondent – Transport Corporation.

4. However, as seen from the documents filed along with this writ petition as well as the counter affidavit filed by the respondents, it is clear that the petitioner's earlier representation seeking for the very same relief, which was given to the respondents, was not considered by the respondents. Only due to the said reason, the petitioner was constrained to file this writ petition.

5. Since various objections have been raised in the counter



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affidavit filed by the respondents with regard to the petitioner's claim, this Court is of the considered view that no prejudice will be caused to any of the respondents, if the petitioner is allowed to give a fresh representation to the respondents seeking for the very same relief as sought for in this writ petition and a direction is issued to the respondents to consider the same on merits and in accordance with law, within a time frame to be fixed by this Court.

6. For the foregoing reasons, this Court directs the petitioner to submit a fresh representation to the second respondent requesting him to forthwith transfer and remit Rs.1,58,126/- together with interest at the rate of 18% per annum payable from 15.09.2012 till the date on which the said amount is remitted to his Contributory Pension Scheme account bearing C.P.S.No.7175528 maintained by the Chief Educational Officer of Pudukottai District of Tamil Nadu School Education Department, within a period of two weeks from the date of receipt of a copy of this order. On receipt of the said representation from the petitioner within the stipulated period, the second respondent shall pass final orders, on merits and in accordance with law, within a period of eight weeks thereafter.



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7. With the above directions, this writ petition is disposed of. No costs.

01.10.2024

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

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ABDUL QUDDHOSE, J.

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