



W.P.(MD).No.23337 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 15.10.2024

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.23337 of 2024

M.Pandian

... Petitioner

Vs.

1. The Management of Tamil Nadu State
Transport Corporation (Madurai) Limited,
Dindigul Region,
Represented by its General Manager,
Dindigul.

2. The Administrator,
Tamil Nadu State Transport
Employees' Pension Fund Trust,
Thiruvalluvar Illam,
Anna Salai,
Chennai – 2.

... Respondents

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 pay the petitioner arrears/balance of pension payable for the period from the month of October 2022 to the month of September, 2023 together with interest at the rate of 18% p.a., and within a time frame as may be fixed by this Court.



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For Petitioner : Mr.S.Arunachalam

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

ORDER

The instant Writ Petition has been filed by a Special Grade Driver working in the respondent Transport Corporation seeking a Mandamus directing the respondents to pay the balance pension for the period between October 2022 and September 2023 with interest at the rate of 18% per annum.

2. The petitioner was about to superannuate on 30.09.2022. However, he was permitted to retire on the said date without prejudice to the disciplinary proceedings pending against him. From 01.10.2022 onwards provisional pension of 75% was paid to the writ petitioner. Final orders in the disciplinary proceedings were passed on 08.09.2023, wherein a penalty of Rs.1000/- was imposed upon the writ petitioner. The writ petitioner has also accepted the said penalty and paid the said amount. These facts are not in dispute.



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3. The respondent Management had passed an order on 03.10.2023 modifying the order of retirement dated 30.09.2022, deleting the condition that he is permitted to retire, subject to the result of disciplinary proceedings. Based upon the order dated 03.10.2023, the respondent Management proceeded to pay full pension to the writ petitioner only from 03.10.2023. It is the grievance of the writ petitioner that full pension should be paid from 01.10.2022 onwards. Hence, the present writ petition.

4. Per contra, the learned Standing Counsel appearing for the respondents had contended that only provisional pension was paid to the writ petitioner during the pendency of the disciplinary proceedings. Only after the conclusion of disciplinary proceedings, the petitioner is entitled to receive full pension and therefore, the request of the writ petitioner for payment of balance 25% of pension for the period between October-2022 and September -2023 is not legally sustainable. Hence, he prayed for dismissal of the writ petition.

5. I have carefully considered the submissions made by the learned counsel on either side and perused the materials available on record.



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6. The facts captured above will indicate that the petitioner had suffered an order of penalty as Rs.1000/- and has accepted the said order and paid the penalty. Once final orders are passed in the disciplinary proceedings, thereafter, the Management ought to have restored full pension from the date of retirement. In case, if the Management chooses to pay just 75% for the pension during the pendency of the disciplinary proceedings, then that will amount to imposition of another punishment upon the writ petitioner.

7. Therefore, this Court is of the considered opinion that once the punishment has already been imposed, another punishment cannot be imposed by the Management reducing the pension from 100% to 75% during the pendency of the disciplinary proceedings.

8. In view of the above said facts, there shall be a direction to the respondents to pay the balance 25% of the pension amount to the writ petitioner from 01.10.2022 onwards till September 2023 within a period of twelve weeks from the date of receipt of a copy of this order.



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9. With the above said observations, this Writ Petition stands allowed to the extent as stated above. There shall be no order as to costs.

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

1. The General Manager,
The Tamil Nadu State
Transport Corporation (Madurai) Limited,
Dindigul Region,
Dindigul.
2. The Administrator,
Tamil Nadu State Transport
Employees' Pension Fund Trust,
Thiruvalluvar Illam,
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R.VIJAYAKUMAR,J.

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