



WEB COPY

WP No. 22741 of 2013



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03-11-2025

CORAM

THE HONOURABLE MR.JUSTICE K. SURENDER

WP No. 22741 of 2013

1. T.Perumal (deceased),

2.P.Parvathi,

3.P.Jagapathi Babu,

4.P.Lithi Babu,

5.P.Sujith Babu,

Petitioner(s)

(P2 to P5 substituted as Lrs of deceased sole petitioner vide order dated 12.08.2025 made in WMP.No.28217 of 2024 in W.P.No.22741 of 2013 by MSKJ)

Vs

1. The General Manager
Metropolitan Transport Corporation,
Pallavan House, Chennai 2

Respondent(s)

PRAYER

This Writ Petition is filed under Article 226 of Constitution of India seeking Writ of Certiorarified Mandamus to call for the record of the respondent letter No. 13525/AFP/MTC/2009 dt 17.02.2009 and quash the same and direct the respondent to process the pension papers and disburse the arrears of pension papers entitled by the petitioner.

For Petitioner(s): M/s.S.Ravi

For Respondent(s): Mr.C.Gauthamaraj



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ORDER

This Writ Petition is filed seeking to quash letter No. 13525 / AFP / MTC / 2009 dated 17.02.2009 and to direct the respondent to disburse the arrears of pension.

2. The petitioner, T.Perumal, a retired driver of the respondent corporation, challenges the letter dated 17.02.2009 denying him pension under the Voluntary Retirement Pension Scheme. He joined the corporation on 14.03.1988 and opted for voluntary retirement, which was accepted on 04.10.2007, after completing 19 years and 7 months of service. According to the petitioner, he is eligible for pension as he had nearly 20 years of service, but the respondent denied pension stating he resigned from the job. Therefore, the petitioner has preferred this Writ Petition.

3. The learned counsel for the respondent submit that the petitioner joined the services of the respondent corporation on 14.03.1988 and subsequently tendered his resignation, which was duly accepted by the Corporation with effect from 04.10.2007 vide Memo No.14764/PS(T)/MTC/2007 dated 24.09.2007. The learned counsel further submit that after a lapse of 7 years, petitioner has made a false claim for pensionary benefits claiming that he had retired



voluntarily from service. To substantiate his argument, the learned counsel has produced the original service record of the petitioner, wherein it is specifically mentioned that the petitioner resigned from service.

4. Learned counsel for the respondent also relied on Rule 16(e) of the Tamil Nadu State Transport Corporation Employees' Pension Fund Trust Rules, which states that an employee is not qualified for pensionary benefits in the event of his resignation.

5. Rule 16(e) is extracted hereunder:

"Forfeiture of service on resignation:

Resignation from service or post entails forfeiture of past service.

Provided that a resignation shall not entail forfeiture of past services, if it has been submitted to take up with proper permission, another appointment, under Government Department/ State Public Sector Undertaking/ Board. In such case, the pensionary benefits shall be transferred to the new employer's Pension fund/ EP Scheme 1995, as the case may be, and such benefits shall not be directly paid to the individual."

6. Though ample opportunity has been given, the learned counsel for the petitioner failed to produce any material to substantiate his claim that the petitioner had opted for voluntary retirement. The service record of the



petitioner also clearly indicates that the petitioner had resigned from service. In the absence of any evidence to the contrary, this Court is inclined to accept the contention of the respondent that the petitioner had resigned from service. Rule 16(e) the Tamil Nadu State Transport Corporation Employees' Pension Fund Trust Rules, also mandates that a resigned employee is not entitled to pensionary benefits. Therefore, the claim of the petitioner is hereby rejected.

7. Accordingly, this Writ Petition is dismissed. No costs.

K.SURENDER, J.
03-11-2025

Jai
Index: Yes/No
Speaking/Non-speaking order
Internet: Yes
Neutral Citation: Yes/No

To

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Metropolitan Transport Corporation,
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