

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.10.2015

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THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

Writ Petition No.33580 of 2015
& M.P.No.1 of 2015

Mr.A.Mohammad Noorullah

... Petitioner

Vs.

1. The State of Tamil Nadu,
Rep. by its Secretary,
Transport Department,
Secretariat, Chennai - 600 009.
2. Tamil Nadu State Transport Corporation
(Villupuram Division -II) Ltd.,
(Old Name Pattukottai Azhagiri Transport
Corp'n. Ltd.) rep. by its Managing Director,
Vellore Region, Vellore - 9.
3. The Commsisioner,
Employees Provident Fund,
Regional Office,
No.20, Royapettah High Road,
Chennai - 600 014.

... Respondents

PETITION under Article 226 of The Constitution of India praying for issuance of Writ of Mandamus directing the first respondent to sanction and pay pension to the petitioner with effect from 01.01.1988 as per G.O.Ms.No.42 Transport (RW) Department dated 27.05.2005 and as per the provisions of the Tamil Nadu Pension Rules construing that the petitioner has completed the qualifying years of service of 10 years by following the order passed in W.P.(MD) No.3517 of 2008 dated 31.03.2010 confirmed by the Division Bench in W.A.(MD) No.381 of 2011 dated 09.04.2011 and the Honourable Supreme Court of India in S.L.P.(CC) No.1660 of 2012 dated 03.02.2012 and followed in issuing the G.O.(3D) No.19, Transport (RW1) Department dated 25.06.2012 and in W.A.No.1752 of 2014 dated 05.08.2015 along with 18% interest.

For Petitioner : Mr.V.S.Jagadeesan

For Respondents : Mr.S.Gunasekaran,
Government Advocate - R1
Mr.V.Udayakumar - R2
Mr.T.R.Sundaram - R3

O R D E R

By consent, the Writ Petition is taken up for final disposal.

2. The petitioner was initially selected and appointed to the post of Driver on 13.11.1971 on daily wage basis in the erstwhile State Transport Department and he joined the service on 14.11.1971. He was allotted Staff No.5882. The services of the petitioner were regularized on 01.12.1972. On the formation of various new Transport Corporations on 01.01.1972, he was transferred and absorbed in the newly formed Thanthai Periyar Transport Corporation Ltd. as Driver on 01.05.1975 and he was allotted Staff No.237. In the year 1982, he was transferred to the Tamil Nadu State Transport Corporation (Villupuram Division -II) Ltd., (Old Name Pattukottai Alagiri Transport Corp'n. Ltd.) and was allotted a staff No.4397. He was worked there till he attained the age of superannuation and retired from service on 31.05.1998. It is stated by the petitioner that in terms of G.O.Ms.No.1028, Transport Department dated 23.09.1985, the crucial date for permanent absorption was fixed as 01.05.1975/15.09.1975. The validity of the said cut off date was said to have been challenged in very many litigations and ultimately concluded before the Honourable Supreme Court of India and consequently, the cut off (for calculation of pension) was fixed as 01.04.1982 and the arrears payable from 01.01.1988 and in this regard, G.O.Ms.No.42, Transport (RW) Department dated 27.05.2005 has been issued.

3. The petitioner would further state that temporary services rendered by the persons like the petitioner has also considered in W.P.(MD)No.3517 of 2008, which reached upto the portals of the Honourable Supreme Court of India. Thereafter, the first respondent has passed G.O.(3D) No.19 Transport (R1) Department dated 25.06.2012.

4. The petitioner praying for conferment of benefits on the above-said G.O. has submitted a representation dated 03.10.2015 requesting to take into account the temporary services rendered by him between 14.11.1971 to 01.04.1982 for the purpose of calculation of pensionary benefits and since no orders have been passed, came forward to file this Writ Petition.

5. Heard the submissions of the learned counsel appearing for the petitioner and Mr.S.Gunasekaran, learned Government Advocate, who accepts notice on behalf of the first respondent, Mr.V.Udayakumar, learned counsel, who accepts notice on behalf of the second respondent and Mr.T.R.Sundaram, learned counsel, who accepts notice on behalf of the third respondent.

6. Though the petitioner has prayed for a larger relief, this Court in the light of the above facts and circumstances, directs the first respondent to consider the representation of the petitioner dated 03.10.2015 and pass orders on merits and in accordance with law within a period of eight weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner.

The Writ Petition is disposed of accordingly. No costs. Consequently, M.P.No.1 of 2015 is closed.

Index :Yes/No
Internet:Yes/No
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16.10.2015

To

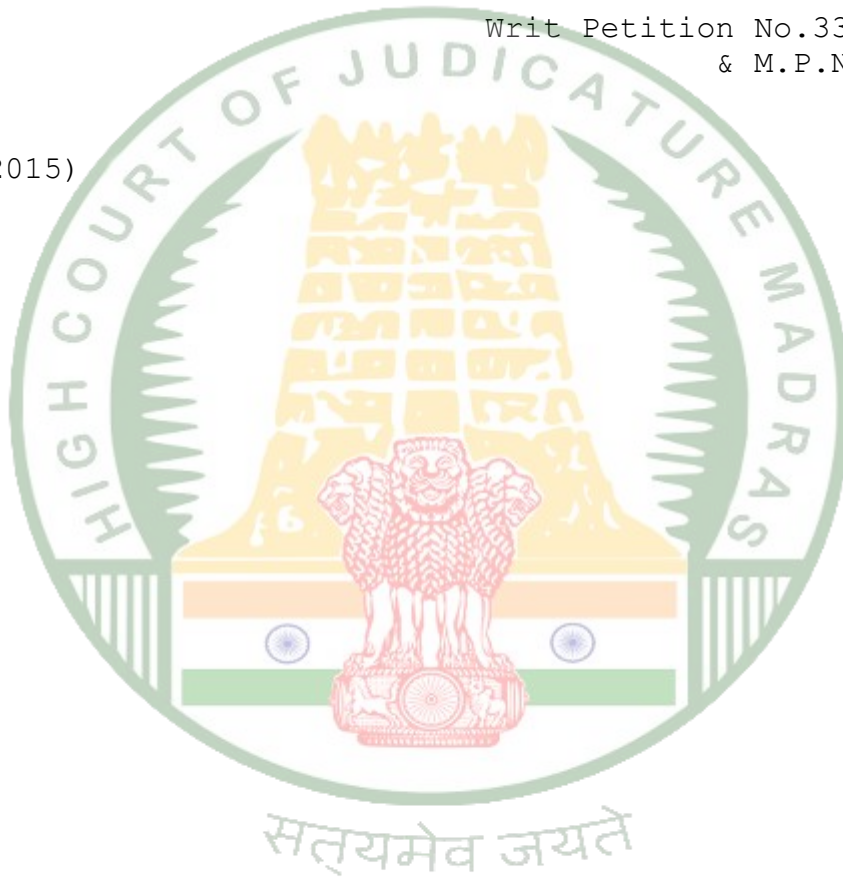
1. The Secretary,
State of Tamil Nadu,
Transport Department,
Secretariat, Chennai - 600 009.
2. The Managing Director,
Tamil Nadu State Transport Corporation
(Villupuram Division -II) Ltd.,
(Old Name Pattukottai Azhagiri Transport
Corpn. Ltd.)
Vellore Region, Vellore - 9.

3. The Commsisioner,
Employees Provident Fund,
Regional Office,
No.20, Royapettah High Road,
Chennai - 600 014.

+1cc to M/s.V.S.Jagadeesan, Advocate, S.R.No.57372
+1cc to Government Pleader, S.R.No.57732

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& M.P.No.1 of 2015

RSK(CO)
CA(30.10.2015)



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