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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.12.2015

CORAM :

THE HONOURABLE MR.JUSTICE V.RAMASUBRAMANIAN

and

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

Writ Appeal (MD) No.1408 of 2015
and MP (MD) No.2 of 2015

The Management of State Express
Transport Corporation (Tamil Nadu) Limited,
Rep by its Managing Director,
Pallavan Salai,
Chennai 600 002.

... Appellant/1st Respondent

Vs.

1.R.Mookammal

..1st Respondent/Petitioner

2.The Administrator,

Tamil Nadu State Transport Corporation
Employees Pension Fund Trust,
Thiruvalluvar Illam, Anna Salai
Chennai 600 002.

..2nd Respondent/2nd Respondent

Writ Appeal is filed under Clause 15 of the Letters Patent against the order dated 11.11.2014 made in W.P.(MD)No.9544 of 2010. Prayer in WP(MD)No.9544 of 2010 : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the respondents to treat the entire service of the Petitioner from 7.2.1994 to 30.11.2006 as pensionable service and to pay pension to her for the same under the TNTCEPFS Pension Rules every month from 1.2.2006 with all arrears and with interest at 16% p.a and further to direct the first respondent to pay her the arrears of gratuity payable for the period of three years of her service from 7.2.1994 to 28.2.1997 along with interest of 16% p.a.

For Appellant : Mr.K.Sudalaiyandi

For 1st Respondent : Mr.S.Arunachalam

JUDGMENT

(Judgment of the Court was delivered by **N. KIRUBAKARAN, J**)

The Transport Corporation is before this Court, challenging an order of the learned single Judge allowing the writ petition filed by the first respondent to treat the entire service of the first respondent from 07.02.1994 to 30.11.2006 as qualifying service under the TNTCEPFS Pension Fund Rules.

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2.The first respondent was employed as helper between 25.01.1994 and 07.02.1994 on consolidated basis and from 07.02.1994



to 28.02.1997 on time scale of pay. A workman who is in service as on 1998 would automatically become the member of the pension scheme who rendered qualifying service of 10 years or more and retired on attaining the age of 58 years. The first respondent completed 9 years 8 months and 29 days of qualifying service. However, the appellant Corporation has not considered the first respondent for eligibility of pension. Therefore, the first respondent has come up with a writ petition in W.P(MD)No.9544 of 2010.

3.The learned single Judge relying upon the judgment of the Supreme Court in **Bank of Patiala and Pritam Singh Bedi and others, 2014(3) LLN 17(SC)** allowed the writ petition holding that the first respondent has completed 9 years 8 months and 29 days and only less by six months.

4.Even if the broken period of service is less by six months, it has to be treated as one year as per the judgment of the Supreme Court in the above case referred to supra. Applying the same, the learned Judge treated the first respondent as having completed 10 years of qualifying service to become eligible for pensionary benefits under the pension scheme and such other pensionary benefits which is for the service rendered by an employee cannot be deprived of by technical grounds. The said reasoning given by the learned Judge is correct and cannot be set aside and therefore, the writ appeal is dismissed. The appellant is directed to settle the pensionary benefits available to the first respondent within a period of eight weeks from the date of receipt of a copy of this order. No costs. Consequently, M.P(MD)No.2 of 2015 is closed.

Sd/-

Assistant Registrar(C.S. -I)

/True Copy/

Sub Assistant Registrar

To

1.The Managing Director,
Management of State Express Transport Corporation (Tamil Nadu)
Limited, Pallavan Salai, Chennai 600 002.

2.The Administrator,
Tamil Nadu State Transport Corporation Employees Pension Fund
Trust, Thiruvalluvar Illam, Anna Salai, Chennai 600 002.

+1cc to M/s.K.Sudalaiyandi, Advocate Sr.No.72413

+1cc to Mr.S.Arunachalam, Advocate Sr.No.72363

akm/04.01.2016/2p-5c/AAL/MPA

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