

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.01.2016

CORAM

THE HON'BLE MR.SANJAY KISHAN KAUL, CHIEF JUSTICE
and
THE HON'BLE MRS.PUSHPA SATHYANARAYANA

W.A.No.2533 of 2001

The Management of Tamil Nadu
State Transport Corporation
(Madurai Division III) Limited,
Nagercoil, represented by its
Managing Director,
(formerly known M/s.Nesamani Transport
Corporation Limited), rep. by its
Managing Director,
Nagercoil,
Kanyakumari District. .. Appellant /3rd Respondent

(Cause title accepted as per the
order in WA.MP.No.17124/2001, dt.6.11.2001)

Vs.

- 1.Y.Poulose (deceased)
- 2.The Government of Tamilnadu,
rep. by its Secretary,
Transport Department,
Fort St. George,
Madras-600 009.
- 3.The Secretary,
Department of Finance (SRII),
Fort St. George,
Madras-600 009.
- 4.Rose Bai
- 5.Hellet Jaya
- 6.Kala Jayan
- 7.Rajini
- 8.Kani Benzbel

.. Respondents

(Respondents 4 to 8 substituted as legal
heirs of deceased R1 as per the order in
WA.MP.No.4834/2003, dt. 25.11.2015)

Writ Appeal filed under Clause 15 of Letters Patent against
the order dated 24.04.2001 in W.P.No.16484 of 1994 presented
under Art 226 of the Constitution of India to issue a writ of

Certiorarified Mandamus calling for the records relating to the order of the 3rd respondent passed in his Letter No.24725/Admin/4/NTC/92 dated 1/2/1993 and quash the same and direct the respondents herein do sanction pension to the petitioner from 11/6/92 consider his service in the Transport Department for over 25 years in terms of the Judgment in W.P.6969/90 on the file of this Court.

For Appellant .. Ms.Kala Ramesh

For Respondents .. Mr.STS.Moorthy
Government Pleader for R2 & R3

JUDGMENT

(Judgment of the Court was made by The Hon'ble Chief Justice)

The impugned order partakes the character of an agreed order as all that is stated is that the judgment in W.A.Nos.522 of 1992 and 962 of 1993, dated 16.09.1997 would apply in the facts of the present case. The appellant before us did not even take the trouble of appearing before the learned Single Judge and now seeks to make some fine distinctions in the grounds of appeal alleging that the learned Single Judge ought to have gone into the merits of the case itself by reading the counter-affidavit of the appellant.

2. We may note that the only question is of admissibility of pension, the private first respondent having worked initially with the State Government and thereafter opting for service with the appellant Corporation, the claim of pension is based on the combined services. The pension is to be paid by the State Government as contended by the learned counsel for the appellant Corporation.

3. The aforesaid being the position, the State Government having not challenged the impugned order, we fail to understand how the appellant Corporation can make a grievance of the same.

4. The appeal is dismissed. No costs.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

To

1.The Secretary,
Transport Department,
Fort St. George, Madras-600 009.

2.The Secretary,
Department of Finance (SRII),
Fort St. George,
Madras-600 009.

+lcc to the Government Pleader, S.R.No.1225

W.A.No.2533 of 2001

TEJ(CO)
srg(27/01/2016)



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