

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.10.2016

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THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.36738 of 2016

T.Rajasekaran

... Petitioner

Vs.

1 The Secretary to Government
Home (Transport – II) Department,
Fort St.George,
Chennai – 600 009.

2 The Transport Commissioner,
Ezhilagam, Chepauk,
Chennai – 600 005.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 1st respondent to pass orders by including the service rendered in the Transport Corporation from 01.06.1981 to 08.02.1995 for calculating the length of service for purpose of pension and pensionary benefits in the Government Service.

For Petitioner : Mr.R.Krishnamoorthy
For Respondents : Mr.K.Dhananjayan
Special Government Pleader

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By consent, the writ petition is taken up for final disposal.

2.The present writ petition has been filed seeking a Mandamus directing the first respondent to pass orders by including the service rendered in the Transport Corporation from 01.06.1981 to 08.02.1995 for calculating the length of service for purpose of pension and pensionary benefits in the Government Service.

3.In the affidavit filed in support of this petition it is stated that the petitioner was selected by the Tamil Nadu Public Service Commission, which he applied through the Tamil Nadu State Transport Corporation and was appointed as Motor Vehicle Inspector – Grade II under the control of the second respondent with effect from 10.02.1995 and before joining the said post, he was in the service of the Tamil Nadu State Transport Corporation at Kumbakonam, an undertaking of Government of Tamil Nadu with effect from 01.06.1981 to 08.02.1995 with effect from 01.06.1981 to 08.02.1995 for more than 13 years on various categories of Supervisor and Assistant Engineer.

4.It is further stated that the petitioner retired from his service on reaching the age of superannuation on 30.04.2015. It is further stated that the service rendered by the petitioner in the Transport

Corporation was not taken into account for calculating the length of service for the purpose of pension and pensionary benefits in the Government Service. Hence, the petitioner made a representation to the second respondent on 19.10.2015 and the second respondent informed him that his claim was forwarded to the first respondent vide communication in Lr.Rc.31201/T2/2014 dated 06.11.2015, but till date he has not received any reply from the Government or from the second respondent. Hence, the petitioner made another representation dated 03.08.2016 to the second respondent. Since it evoked no response, the petitioner has come forward with this petition.

5.Heard the submissions of the learned counsel appearing for the petitioner and the learned Special Government Pleader who takes notice for the respondents.

6.Considering the submissions made on either side and without going into the merits of the case, this Court directs the petitioner to give a copy of the representation dated 03.08.2016, along with a copy of this order, to the first respondent within a period of two weeks from the date of receipt of a copy of this order and the first respondent on receipt of the same, is directed to consider the said representation, on

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merits and in accordance with law and pass appropriate orders, within a period of six weeks thereafter.

7.The writ petition is disposed of accordingly. No costs.

20.10.2016

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Index: Yes/ No

Internet: Yes/ No

To

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