

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.10.2016

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.37237 of 2016

D.Vimala Josephine

... Petitioner

Vs.

- 1 M/s.Tamil Nadu State Transport Corporation
(Villupuram) Limited,
Rep. by its Managing Director,
No.3/137, Salamedu Vazhuthareddy Post,
Villupuram District - 605 602.
- 2 M/s.State Express Transport Corporation Ltd.,
Rep. by its Managing Director,
No.2, Pallavan Salai, Chennai - 600 002.
- 3 M/s.The Tamil Nadu State Transport Corporation
Employees Provident Fund Trust,
Rep by its Administrator,
No.2, Pallavan Salai,
Chennai - 600 002. ... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 2nd respondent to take into account of my 50% percent past consolidated services from 10.06.1982 to 14.08.1985 and permanent service period from 15.08.1985 to 19.11.1986 rendered in the 2nd respondent corporation as qualifying service for calculation of terminal benefits in the light of the order of the 1st respondent corporation dated 12.06.1987 taking into consideration of the petitioner representations dated 17.09.2015, 18.09.2015 and 14.10.2016.

For Petitioner : Mr.D.Soundarraaj
For Respondents : Mr.P.Kannan Kumar

O R D E R

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

2.The present writ petition has been filed seeking a Mandamus directing the second respondent to take into account of the petitioner's 50% past consolidated services from 10.06.1982

to 14.08.1985 and permanent service period from 15.08.1985 to 19.11.1986 rendered in the second respondent corporation as qualifying service for calculation of terminal benefits in the light of the order of the first respondent corporation dated 12.06.1987 taking into consideration of the petitioner's representations dated 17.09.2015, 18.09.2015 and 14.10.2016.

3.The petitioner would state that she was appointed as Apprentice on 10.06.1981 and completed the training on 09.06.1982 in the second respondent Corporation and after completion of the training, her seniors were appointed on permanent post as Record Clerk-Conductor, but she was not absorbed as permanent employee and her training period was extended along with 44 others in the second respondent Corporation on consolidated wages.

4.The petitioner would further state that, after several requests, the petitioner was absorbed as permanent employee as Record Clerk - Cum - Conductor vide order dated 13.08.1985 instead of Junior Assistant. The petitioner was promoted as Senior Assistant and was further promoted as Superintendent and she retired on reaching the age of superannuation on 30.04.2011. Thereafter the petitioner made several representations for implementation of the G.O.No.408 Finance (Pension) Department, dated 25.08.2009 and last of such representation was made on 14.10.2016 and since no response is forthcoming, came forward to file this writ petition.

5.Heard the submissions of the learned counsel appearing for the petitioner and the learned counsel who take notice for the respondents.

6.Considering the submissions made on either side and without going into the merits of the claim projected by the petitioner, this Court directs the respondents to consider the representations of the petitioner dated 17.09.2015, 18.09.2015 and 14.10.2016 with regard to the claim of taking into account the petitioner's 50% past consolidated services from 10.06.1982 to 14.08.1985 and permanent service period from 15.08.1985 to 19.11.1986 rendered in the second respondent corporation as qualifying service for calculation of terminal benefits in the light of the order of the first respondent corporation dated 12.06.1987, on merits and in accordance with law and pass appropriate orders, within a period of six weeks from the date of receipt of a copy of this order.

7.It is made clear that this Court has not expressed any opinion with regard to the merits of the claim made by the petitioner and it is for the respondents to decide the matter, purely on merits.

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

Sd/-
Asst.Registrar (CS IV)

/true copy/

Sub Asst. Registrar

To

- 1 The Managing Director,
M/s.Tamil Nadu State Transport Corporation
(Villupuram) Limited,
No.3/137, Salamedu Vazhuthareddy Post,
Villupuram District - 605 602.
 - 2 The Managing Director,
M/s.State Express Transport Corporation Ltd.,
Rep. by its Managing Director,
No.2, Pallavan Salai, Chennai - 600 002.
 - 3 The Administrator,
M/s.The Tamil Nadu State Transport Corporation
Employees Provident Fund Trust,
No.2, Pallavan Salai,
Chennai - 600 002.
- +1 cc to Mr.D.Soundarraaj,advocate,sr.60641
+2 cc's to Mr.P.kannankumar,advocate,sr.61805.

gr(co)
krd 25/11

W.P.No.37237 of 2016

सत्यमेव जयते

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