

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.09.2017

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. Nos.8702 to 8707 of 2016

S.Renukarani	... Petitioner in W.P.8702 of 2016
V.Ranganathan	... Petitioner in W.P.8703 of 2016
D.Manoharan	... Petitioner in W.P.8704 of 2016
V.Rajalakshmi	... Petitioner in W.P.8705 of 2016
E.Ramachandran	... Petitioner in W.P.8706 of 2016
S.Banumathi	... Petitioner in W.P.8707 of 2016

Vs

1. The Government of Tamil Nadu
Rep.by its Secretary
Transport (RW1) Department
Fort St.George, Chennai-600 009.
2. The Secretary
Finance Department
Government of Tamilnadu
Fort St.George, Chennai-600 009.
3. Metropolitan Transport Corporation
Rep.by its Managing Director
Pallavan House, Anna Salai
Chennai-600 002. Respondents in all WPs

PRAYER : Petition filed Under Article 226 of the Constitution of India to issue of Writ of Mandamus, to direct the respondents 1 and 2 to count the fraction of service about 3 months as one completed half year of service along with the petitioner's 9 1/2 years of qualifying service and to sanction her/him monthly pension with effect from 01.04.1982, notionally and with monetary benefits with effect from 01.01.1988, with arrears, increase and revision pension and dearness allowance together with interest at the rate of 12% per annum.

For Petitioners : Mr.V.Ajoy Khose
(in all W.Ps.)

For Respondents : Mr.K.Dhananja for R1 & R2
(in all W.Ps.) Special Government Pleader
Mr.P.Paramasivadosh - R3

C O M M O N O R D E R

The common relief sought for in these Writ Petitions is to direct the respondents 1 and 2 to count the fraction of service about 3 months as one completed half year of service along with the petitioners' 9 1/2 years of qualifying service and to sanction them monthly pension with effect from 01.04.1982, notionally and with monetary benefits with effect from 01.01.1988, with arrears, increase and revision pension and dearness allowance together with interest at the rate of 12% per annum.

2.The learned counsel appearing for the writ petitioners submitted that all the writ petitioners were the employees of the erstwhile Tamil Nadu State Transport Corporation owned by the State of Tamil Nadu. All the employees who have completed ten years of service in the erstwhile State Transport Corporation were granted with pension under the provisions of Tamil Nadu Pension Rules 1978. This being the factum of the case, the writ petitioners alone were denied with pension under the Tamil Nadu Pension Rules, in view of the fact that they have not completed full ten years of service as employees in the erstwhile State Transport Corporation, owned by the Government of Tamil Nadu. In other words, the pension as applicable under the provisions of Tamil Nadu Pension Rules, 1978 was denied to these writ petitioners on account of non completion of ten years of service in the State Transport Corporation.

3.However, the learned counsel for the writ petitioners submitted that the Government issued G.O.Ms.No.24, Finance (Pension) Department dated 13.01.1986, in respect of calculating the length of qualifying service for the purpose of pension benefits. Following the aforesaid Government Order, the Tamil Nadu Pension Rules, 1978 was amended. The amended Rule 43 (3) of the Tamil Nadu Pension Rules, reads as follows:

"43 (3) In calculating the length of qualifying service, fraction of a year equal to [three months] and above shall be treated as completed one half year and reckoned as qualifying service."

4.In this regard, the counter affidavit filed by the third respondent also enumerates the period of service rendered by the writ petitioners.

5.Thus, it is clear that the writ petitioners have completed nine years and 11 months of service and the writ petitioner in W.P.No.8706 of 2016, completed nine years and 9 months of service. Thus, all the writ petitioners are eligible for computing the period of qualifying service as one full year and

accordingly they have to be considered as if they have completed ten years of service for the purpose of grant of pension under the Tamil Nadu Pension Rules, 1978.

6. In this view of the matter, the writ petitioners are entitled for pension as applicable under the provisions of the Tamil Nadu Pension Rules and the respondents are directed to grant pension to all the writ petitioners by treating the period of qualifying service as ten years under the provisions of the Tamil Nadu Pension Rules and accordingly, calculate and disburse the pension and the arrears of pension as applicable, within a period of twelve weeks from the date of receipt of a copy of this order.

The Writ Petitions are allowed on the above terms. No costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

rpa

To

1. The Secretary
Government of Tamil Nadu
Transport(RW1) Department
Fort St.George, Chennai-600 009.
2. The Secretary
Finance Department
Government of Tamilnadu
Fort St.George, Chennai-600 009.
3. The Managing Director
Metropolitan Transport Corporation
Pallavan House, Anna Salai
Chennai-600 002.

+6cc's to Mr.P.Paramasivadoss, Advocate, S.R.Nos.65914 to 65919
+6cc's to Mr.V.Ajoy Khose, Advocate, S.R.No.65883
+1cc to the Government Pleader, S.R.No.66436

W.P.Nos.8702 to 8707 of 2016

KK(CO)
CA(06/10/2017)