



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 09.08.2017

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
AND
THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.A.[MD].No.686 of 2014

R.Srinivasan

... Appellant/Petitioner

Vs.

- 1.The State of Tamil Nadu,
Represented by
The Special Commissioner and Secretary to Government,
Transport (RW) Department,
Fort St. George, Chennai.
 - 2.The State Express Transport Corporation
(Tamil Nadu) Limited,
Represented by its Managing director,
No.2, Pallavan Salai,
Chennai-2.
 - 3.The Company Secretary,
The State Express Transport Corporation
(Tamil Nadu) Limited,
No.2, Pallavan Salai,
Chennai-2.
 - 4.The State Express Transport Corporation
(Tamil Nadu) Limited,
Represented by its Branch Manager,
Trichy.
- ... Respondents/Respondents

PRAYER : Writ Appeal is filed under Clause 15 of the Letters Patent, to set aside the impugned order passed by the learned Judge in W.P(MD).No.637 of 2007 dated 10.10.2011.

Prayer in WP(MD) . 637/ 2007 :

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari and Mandamus, to call for the records relating to the proceedings of the 2nd respondent in letter No. 28860/C4/AVPOKA/06, dated 21/11/2006 (பி.டி.என். 28860/சீ.4/அவபொ/06, 21/11/2006)



எண் 28860/பி.4/அபிபோக/06, 21 நவம்பர் 2006) and quash the same and consequently direct the respondents to sanction monthly pension to the petitioner as per G.O.Ms. S.No. 42, Transport (RW) department dated 27/05/2006 and to pay gratuity amount to the petitioner.

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For Appellant : Mr.M.Siddharthan

For Respondents :Mr.M.Govindan, SGP.

JUDGMENT

[Judgment of the Court was delivered by G.R.SWAMINATHAN,J.]

The unsuccessful writ petitioner is on appeal, challenging the order dated 10 October 2011, made in W.P(MD)No.637/2007.

2.The Writ petitioner's case is that he joined Tamil Nadu State Transport Department as a driver on 03.08.1967 and that his services were regularized on 01.02.1969. The said department was wound up in 1975. It's employees were absorbed permanently in various transport corporations. The Writ petitioner was also absorbed in the State Express Transport Corporation (Tamil Nadu Limited). He resigned from service on 25.06.1982. According to the writ petitioner, he had in all put in 13 years four months 24 days as on service. But, the petitioner had not put in 10 years of continuous service under the of Government. Therefore, he did not get any pension.

3.He came to know that similarly placed persons were granted certain benefits, but his request was rejected by order dated 21.11.2006. He, therefore, filed W.P(MD)No.637/2007 for quashing the same and for sanctioning monthly pension to him, as per G.O.MS.No.42, dated 27.05.2005. His Writ Petition was dismissed.

4.Aggrieved over the dismissal of the writ petition, this intra-Court appeal has been filed. It seen that the writ petitioner had actually resigned from the service of the corporation. Any act of resignation will have the result of forfeiture of the past service. That apart the respondents have pointed out the Government Order relied upon by the writ petitioner would apply only to those employees, who opted for pension under the Tamil Nadu Pension Rules and who were denied on the ground that they have not completed 10 years of service. The writ petitioner had opted for non pensionable benefit scheme under the Tamil Nadu State Transport Department and therefore, the said Government Order will not apply in the case of the writ petitioner.



5.The reasons assigned by the learned single Judge for dismissing the writ petition are sound. We see no reason to take a different view. Accordingly, this writ appeal has no merit stands dismissed. No costs.

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/True Copy/

Sd/-

Assistant Registrar(CS-III)

Sub Assistant Registrar

To
The Special Commissioner and Secretary to Government,
State of Tamil Nadu, Transport (RW) Department,
Fort St. George, Chennai.

+1CC to the Special Government Pleader SR.No.72300

W.A.[MD].No.686 of 2014
09.08.2017

das/gsp
AM/SV MMS/SAR 2/25.01.2018/3P/3C