



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.08.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.M.SUNDRESH

AND

THE HONOURABLE MR. JUSTICE N.SATHISH KUMAR

W.A.(MD)No.338 of 2015

and

M.P.(MD)No. 2 of 2015

- 1.The General Manager,
Tamil Nadu State Transport Corporation Limited,
Bye-pass Road,
Dindigul-4.
 - 2.The Managing Director,
Tamil Nadu State Transport Corporation Limited,
Bye-Pass Road,
Madurai.
- : Appellants/Respondents

Vs.

K.Rajendran : Respondent/Petitioner

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent Act, praying to set aside the order passed in W.P.(MD)No.4220 of 2012 dated 10.8.2012.

Prayer in WP(MD). 4220/ 2012 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to sanction pension benefits as per Rule 19 of the Tamil Nadu State Transport Corporation Employees Pension Fund Rules and to refund the amount of Rs.12,549/- recovered from the petitioner as notice wages and to settle Rs.7,000/- paid under Employees Retirement Benefits Scheme.

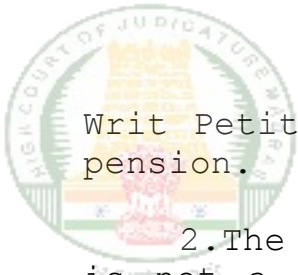
For Appellants	: M/s.A.Jeyaram
For Respondent	: M/s.S.Govindan

JUDGMENT

[Judgment of the Court was made by M.M.SUNDRESH, J.]

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This Writ Appeal has been directed against the order of the learned Single Judge, who after making a factual finding that the



Writ Petitioner having put in 10 years of service, is entitled to pension.

2.The learned counsel for the appellant would submit that this is not a case of discharge. The Writ Petitioner has voluntarily get resigned after getting some other job.

3.The learned counsel for the respondent would submit that the issue before the learned Single Judge was different. The respondent having put in 10 years of service, is entitled for the relief of pension. It is further submitted that the review petition filed in Rev.Appln(MD)SR.No.41985 in 2013 filed by the appellant herein, has also been dismissed.

4.We do not find any merit in this Writ Appeal. Though the learned Single Judge has recorded Rule 19 of the Tamil Nadu State Transport Corporation Employees Pension Fund Rules(hereinafter called as ''Rules'') and has given a factual finding that the respondent has put in 10 years of service. Even as per Rule 16(1) of the above said rules, an employee who has put in 10 years of service and thereafter he is entitled for pension.

5.In such view of the matter, the Writ Appeal stands dismissed. The appellants are directed to pay the compensation to the respondent within a period of eight weeks from the date of receipt of a copy of this order. Consequently, connected Miscellaneous Petition is closed. No costs.

Sd/-

Assistant Registrar(C.O)

/True Copy/

Sub-Assistant Registrar

+One cc to Mr.S.Govindan, Advocate, SR.No.73935

vsn

RL/2C/2P/KP/SAR1/5/9/2017

JUDGMENT MADE IN
W.A. (MD) No.338 of 2015
and
M.P. (MD) No. 2 of 2015

22.08.2017