



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.06.2018

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THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P. (MD) .No.9451 of 2018

M.Nagendra Pillai

.. Petitioner

Vs.

1. The Tamil Nadu State Transport Corporation (Thirunelveli) Ltd.,
Rep. by its Managing Director,
Vannarapettai,
Tirunelveli - 627 003.

2. The General Manager
Tamil Nadu State Transport Corporation
(Tirunelveli) Ltd.,
Nagercoil Region,
Rani Thottam, Nagercoil - 629 001.

3. The Administrator
Tamil Nadu State Transport Corporation
Employees Pension Fund Trust,
Thiruvalluvar Illam,
Pallavan Salai,
Chennai - 600 002.

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Declaration, declaring the action of the respondents in treating the period from 02.05.2006 to 06.05.2006, 11.05.2006 and from 31.05.2006 to 24.03.2007 and from 24.11.2008 to 28.07.2015 as leave on loss of pay and action of the respondents in taking the last drawn pay drawn by the petitioner as on 05.08.2008 for the purpose of computing his pension as illegal, arbitrary and contrary to Section 47 (1) of persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 and consequently, direct the respondents 1 and 2 to notionally count the period from 02.05.2006 to 06.05.2006, 11.05.2006 and from 31.05.2006 to 24.03.2007 and from 24.11.2008 to 28.07.2015 for the purpose of computing his pension by paying Management's contribution of the provident fund to the third respondent trust for the above said period and to direct the respondents to revise and re-fix his pension and pay arrears of pension, gratuity and other terminal benefits.



For Petitioner : Mr. A.Rahul
For Respondents : Mr. K.Sathyasingh
TNSTC Standing Counsel

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ORDER

The Prayer sought for in this Writ Petition is to issue a Writ of Declaration, declaring the action of the respondents in treating the period from 02.05.2006 to 06.05.2006, 11.05.2006 and from 31.05.2006 to 24.03.2007 and from 24.11.2008 to 28.07.2015 as leave on loss of pay and action of the respondents in taking the last drawn pay drawn by the petitioner as on 05.08.2008 for the purpose of computing his pension as illegal, arbitrary and contrary to Section 47 (1) of persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 and consequently, direct the respondents 1 and 2 to notionally count the period from 02.05.2006 to 06.05.2006, 11.05.2006 and from 31.05.2006 to 24.03.2007 and from 24.11.2008 to 28.07.2015 for the purpose of computing his pension by paying Management's contribution of the provident fund to the third respondent trust for the above said period and to direct the respondents to revise and re-fix his pension and pay arrears of pension, gratuity and other terminal benefits.

2. Heard Mr.A.Rahul, learned counsel appearing for the petitioner and Mr.K.Sathyasingh, learned Standing Counsel appearing for the respondents.

3. The learned Counsel appearing for the petitioner would submit that though a larger prayer has sought for in this writ petition, now the petitioner confined his prayer with regard to service benefits, grievance of pay disparity and disbursement of arrears and he had given a representation dated 12.04.2018 and if that representation is directed to be considered by the respondents 2 and 3 and an order to that effect is directed to be passed within a specified time frame that may be fixed by this Court, the petitioner would be satisfied.

4. I have heard Mr.K.Sathyasingh, learned Standing Counsel appearing for the respondents, who would submit that the said representation of the petitioner shall be considered by the respondents 2 and 3 on merits and in accordance with law and orders to that effect would be passed within a shortest period that may be fixed by this Court.

5. Considering the said submissions made by both sides, <https://hdservices.ecourts.gov.in/eservices/> the petition is disposed of, with the following directions :
that the respondents 2 and 3 are directed to
pass order on the representation of the



petitioner dated 12.04.2018, on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order.

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6. With these direction this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS-III)

/True Copy/

Sub Assistant Registrar

+ 1 CC TO Mr.A.K.THANGAVELU, ADVOCATE IN SR No. 68165
+ 1 CC TO Mr.K.SATHIYA SINGH, ADVOCATE IN SR No. 68314

RM

TE/JC/SAR-4 : 26/06/2018 : 3P/3C

ORDER MADE IN
W.P. (MD) .No.9451 of 2018
13.06.2018