

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.10.2019

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.16314 of 2019

T.Balakrishnan

...Petitioner

vs.

- 1.The Secretary,
Rural Development and Panchayat Raj,
Government of Tamil Nadu,
Secretariat,
Chennai - 600 009.
- 2.The Collector,
Thiruvannamalai District,
Thiruvannamalai.
- 3.The Block Development Officer,
Thellar Union,
Thiruvannamalai District.
- 4.The General Manager,
Tamil Nadu State Transport Corporation,
(Villupuram-II) Ltd.,
Rangapuram, Vellore - 9.

...Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, seeking for the issuance of a Writ of Mandamus, to direct the 3rd respondent to revise the pension of the petitioner by counting earlier service rendered with the 4th respondent from 01.06.1992 to 26.01.1997.

For Petitioner : Mr.S.T.Varadarajulu

For Respondents : Mr.R.S.Selvam for R1 & R2
Government Advocate
Mr.R.Govindasamy for R3
Mrs.Rajini Ramadoss for R4

ORDER

The Writ Petition has been filed by the petitioner seeking direction to direct the third respondent to revise the pension of the petitioner by counting earlier service rendered with the fourth respondent from 01.06.1992 to 26.01.1997.

2.The case of the petitioner is that the petitioner was appointed as a Conductor in the year 1992. While he was in service, he wrote Public Service Commission exam for the recruitment of Junior Asst./Typist. The petitioner was selected and appointed as Junior Assistant at Vandavasi Panchayat Union in the year 1997. Thereafter, he resigned the service from the Transport Corporation and joined Government Service. While the petitioner was in service, he was promoted as Deputy Block Development Officer and retired in the year 2015. When the pension proposal was sanctioned to the petitioner, the service rendered in the Transport Corporation was not counted. In order to count the service of Transport Corporation, the petitioner made several requisitions to the third respondent. The third respondent also sent a requisition letter to the fourth respondent. Till date, the fourth respondent not forwarded the service particulars of the petitioner to the third respondent. Hence, the petitioner filed a Writ Petition before this Court.

3.The learned counsel appearing for the petitioner would submit that it would suffice if this Court issues direction to the fourth respondent to forward the service particulars of the petitioner to the fourth respondent, if the petitioner is entitled as per the Rule 23 of the Tamilnadu Pension Rules 1978 and pass appropriate orders.

4.The learned standing counsel appearing for the fourth respondent would submit that Rule 23 of the Tamilnadu Pension Rules 1978, once the person resigned from the Government undertaking company they have not entitled to any service benefits. Hence, the petitioner not entitled to any service benefits. However, the fourth respondent will submit all the details to the third respondent including the not entitlement of the petitioner service who rendered in the Transport Corporation.

5.Considering the facts and circumstances of the case, the prayer sought for in the present Writ Petition cannot be considered at this point of time. However, I am inclined to issue direction to direct the fourth respondent to forward the service particulars of the petitioner to the third respondent. If the petitioner is eligible as per the Pension rules, the third respondent has to pass orders in accordance with law. The said exercise shall be completed within a period of 12 weeks from the date of receipt of a copy of this order.

6.With the above observation and direction, the Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

pam

To

1.The Secretary,
Rural Development and Panchayat Raj,
Government of Tamil Nadu,
Secretariat,
Chennai - 600 009.

2.The District Collector,
Thiruvannamalai District,
Thiruvannamalai.

3.The Block Development Officer,
Thellar Union,
Thiruvannamalai District.

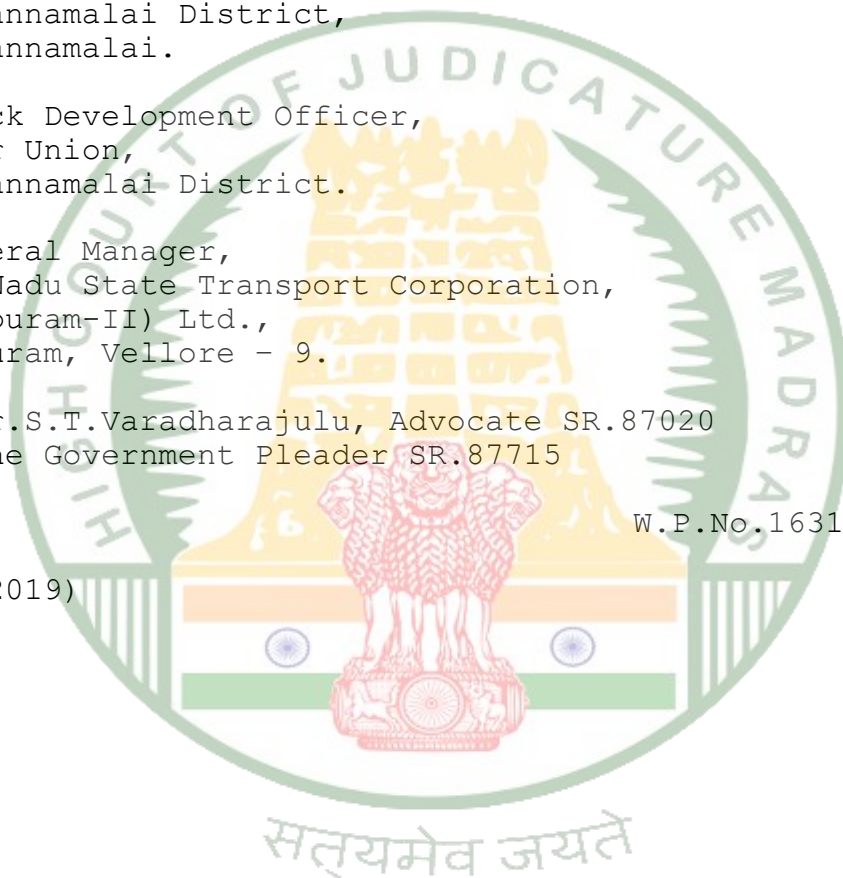
4.The General Manager,
Tamil Nadu State Transport Corporation,
(Villupuram-II) Ltd.,
Rangapuram, Vellore - 9.

+1cc to Mr.S.T.Varadharajulu, Advocate SR.87020

+1cc to the Government Pleader SR.87715

W.P.No.16314 of 2019

PVS (CO)
CB (02/12/2019)



सत्यमेव जयते

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