

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.12.2019

CORAM

THE HON'BLE MR. JUSTICE D. KRISHNAKUMAR

W.P.No.28892 of 2017

G.Danial

..Petitioner

Vs.

1. M/s.State Express Transport Corporation Ltd.,
Rep. by its Managing Director,
No.2, Pallavan Salai,
Chennai-600 002.

2. The Administrator,
Tamil Nadu State Transport Corporation
Employees Provident Fund Trust,
No.2, Pallavan Salai,
Chennai-2.

..Respondents

PRAYER:

Writ Petition is filed under Article 226 of the Constitution of India seeking for a Writ of Mandamus directing the respondents to take into account of 50% percent past daily paid services of the petitioner from 01.05.1982 to 30.06.1986 rendered in the respondent corporation in line with the G.O.No.408 Finance (Pension) Department, dated 25.08.2009.

For petitioner : Mr.D.Soundar Raj

For respondents: Mr.R.P.Prathap Singh (R1)

Mr.J.Ramesh (R2)

Additional Government Pleader

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O R D E R

This Writ Petition has been filed seeking for a direction to the respondents to take into account of 50% percent past daily paid services of the petitioner from 01.05.1982 to 30.06.1986 rendered in the respondent corporation in line with the G.O.No.408 Finance (Pension) Department, dated 25.08.2009.

2. Heard the learned counsel appearing for the petitioner, the learned counsel appearing for the first

respondent as well as the learned Additional Government Pleader appearing for the second respondent.

2. The case of the petitioner is that he served in the Respondent Corporation as helper from 01.05.1982 and retired from service on 30.06.1986. The services of the petitioner were regularized with effect from 01.07.1986. The petitioner requested the respondent to treat fifty percent of his service period from 01.05.1982 to 30.06.1986 rendered on Daily wages for calculation of pension as per G.O.No.408 Finance (Pension) Department dated 25.08.2009. Since the representation of the petitioner was not disposed of, the petitioner filed W.P.No.24007 of 2016 seeking to take into account of 50% of past daily paid services rendered in the Respondent Corporation for calculation of pension. This Court vide order dated 13.07.2014 directed the Respondent therein to consider and dispose of the representation of the petitioner. But the Assistant Manager (Provident Fund), one of the subordinate officer of the Respondent has disposed of the representation of the petitioner without considering G.O.Ms.No.408 Finance (Pension) Department dated 25.08.2009. Hence, the Writ Petitioner has filed this Writ Petition seeking for the aforesaid relief.

2. The learned counsel for the respondents submitted that the services of the petitioner were regularised only from 01.12.1989 and not from 01.07.1986 as stated by the petitioner. He would further submit that the writ petitioner, without making any representation to the authority concerned has filed the Writ Petition before this Court. He further submitted that and if at all a representation is made to the concerned authority, the same will be considered on merits and in accordance with law.

3. Considering the submissions made by the learned counsel appearing on either side and to meet the ends of justice, this Court directs the Writ Petitioner to make a representation to the first respondent within a period of two weeks from the date of receipt of a copy of this order and if such representation is made, the first respondent is directed to consider the same and pass appropriate orders on merits and in accordance with law, as expeditiously as possible.

With the above directions, this Writ petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS III)

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Sub Assistant Registrar

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To

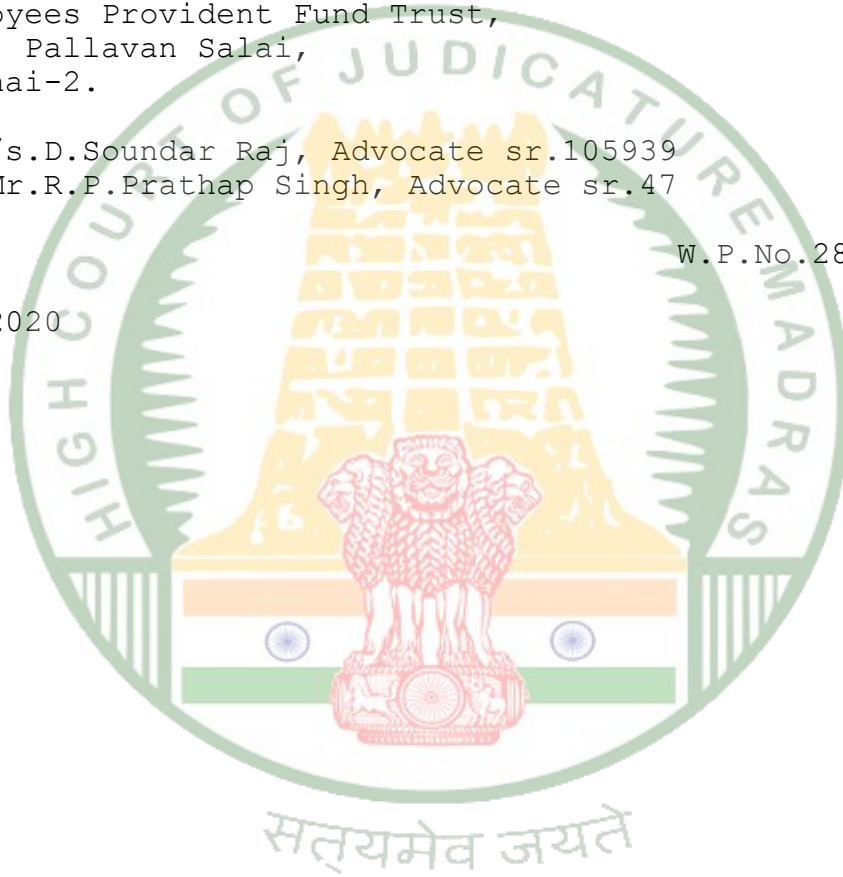
1.The Managing Director,
M/s.State Express Transport Corporation Ltd.,
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2. The Administrator,
Tamil Nadu State Transport Corporation
Employees Provident Fund Trust,
No.2, Pallavan Salai,
Chennai-2.

+lcc to M/s.D.Soundar Raj, Advocate sr.105939
+lcc to Mr.R.P.Prathap Singh, Advocate sr.47

W.P.No.28892 of 2017

nr 30/01/2020



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