

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED: 01.04.2019

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN**W.P(MD)No.7631 of 2019**

A.Jeyaraj

... Petitioner

Vs.

- 1.The Managing Director,
Tamil Nadu State Transport Corporation
(Kumbakonam) Limited,
Corporate Office, Kumbakonam - 612 001,
Thanjavur District.
- 2.The Financial Advisor,
Tamil Nadu State Transport Corporation
(Kumbakonam) Limited,
Corporate Office, Kumbakonam - 612 001,
Thanjavur District.
- 3.The Administrator,
Tamil Nadu State Transport Corporations Employees
Pension Fund Trust,
Thiruvalluvar Illam, Pallavan Salai,
Chennai - 600 002.
- 4.The General Manager,
Tamil Nadu State Transport Corporation
(Kumbakonam) Limited,
Pudukkottai Region,
Pudukkottai District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Mandamus, directing the respondents to re-fix the petitioner's service as 31 years instead of 29 years inclusive of probation period and on the basis of re-fixation of the petitioner service, to disburse his retirement benefits, pension arrears and pension on the basis of his representation, dated 07.01.2019.

For Petitioner : Mr.K.Gokul

For Respondents : Mr.P.Balasubramanian

**ORDER**

This writ petition has been filed seeking issuance of a writ of Mandamus, to direct the respondents to re-fix the petitioner's service as 31 years instead of 29 years inclusive of probation period and on the basis of re-fixation of the petitioner service, disburse his retirement benefits, pension arrears and pension, on the basis of his representation, dated 07.01.2019.

2. Heard the learned counsel appearing for the petitioner and Mr.P.Balasubramanian, learned counsel, who takes notice for the respondents. By consent, the Writ Petition is taken up for disposal at the admission stage itself.

3. The case of the petitioner is that he was initially appointed to the post of Clerk as apprentice in the respondent Corporation. After periodical promotions, he was promoted as a Special Senior Assistant. On 30.06.2011, he was allowed to retire from service.

4. The grievance of the petitioner is that during the apprentice period, the respondent Corporation has given incentive, bonus and ESI medical facilities and hence, his service period comes to 31 years. But the respondent Corporation without including his probation period, fixed his service period as 29 years. Hence, the petitioner sent a representation, dated 07.01.2019 to the respondents to re-fix his service period as 31 years instead of 29 years inclusive of probation period and to disburse the retirement benefits, based on re-fixation. Since the same has not been considered so far by the respondents, the petitioner has filed the present Writ Petition.

5. The learned counsel appearing for the respondents submitted that the representation of the petitioner would be considered by the respondents on merits.

6. In view of the above submission, this Court, without going into the merits of the case, directs the respondents to consider the representation of the petitioner, dated 07.01.2019 seeking to re-fix his service period and disburse the retirement benefits, on the basis of such re-fixation and pass appropriate orders on merits, and in accordance with law, after affording due opportunity of hearing to the petitioners, within a period of eight weeks from the date of receipt of a copy of this order.



7. With the above direction, this Writ Petition stands disposed of. No costs.

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Sd/-

Assistant Registrar (WRITS)

// True Copy //

Sub Assistant Registrar (CS)

Ps

To

1. The Managing Director,
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Pudukkottai District.

1CC TO MR. K. GOKUL, ADVOCATE SR 58261

1CC TO MR. P. BALA SUBRAMANIAN, ADVOCATE SR 58157

KK

22/04/2019

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W.P (MD) No. 7631 of 2019
01.04.2019