



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.09.2019

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

and

THE HONOURABLE MRS.JUSTICE R.THARANI

W.A. (MD)No.915 of 2019

S.Krishnamurthy

... Appellant/Petitioner

Vs.

1.The Accountant General (Accounts & Entitlements),
361, Anna Salai, Chennai-18.

2.The Headmaster,
Government Higher Secondary School,
Idayamelur Post, Sivagangai District.

3.The Transport Secretary,
Chennai.

4.The Managing Director,
Tamil Nadu State Transport Corporation,
Madurai Division, By-Pass Road,
Madurai.

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

..Respondents/Respondents

PRAYER: Writ Appeal is filed under Clause 15 of the Letter Patent Act, to set aside the order dated 05.02.2019 made in W.P.(MD)No.990 of 2012 and allow this writ appeal.

Prayer in WP(MD). 990/ 2012 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order of the first respondent dated 22.01.2010 in the reference Pension/10/3/Ppt 684/09-10/149 (C36463) and quash the same and direct the respondents to refix the pension of the petitioner taking into consideration and total period of service of 29 years, 11 months & 8 days as qualifying service and to pay the same regularly hereafter every month and to pay to the petitioner all the consequential arrears arising thereon.



For Appellants

: Mr.C.Gangai Amaran

JUDGMENT

[Judgment of this Court was made by **T.S.SIVAGNANAM, J.**]

Heard Mr.C.Gangai Amaran, learned counsel appearing for the appellant.

2. The appellant has filed this appeal challenging the order made in W.P.(MD)No.990 of 2012, dated 05.02.2019.

3. The said writ petition was filed by the appellant challenging the order passed by the first respondent, dated 22.01.2010 and for a direction to the respondent to revise his pension by taking into consideration the total period of service of 29 years, 11 months and 8 days as qualifying service and to pay the same regularly every month.

4. The petitioner was working as a Clerk in the Tamil Nadu State Transport Corporation having been appointed on 25.07.1980. Subsequently, he became Senior Assistant and served in the Transport Corporation till 29.12.1998. Thereafter, it appears that he applied for the selection as Post Graduate Assistant in the School Education Services. Since he was able to secure an appointment, the petitioner resigned his job from the State Transport Corporation and joined as Post Graduate Assistant in the second respondent School. The appellant attained the age of superannuation on 30.06.2010 and retired from service. The petitioner sought to take into consideration the period of service rendered by him in the Tamil Nadu State Transport Corporation for the purpose of computing the total length of service. This was negatived by the first respondent on 22.01.2010. Challenge to the same by way of writ petition was also ended in failure. This is how, the appellant is before us in this appeal.

5. We have considered the rule position and we find that there is no rule, which permits the petitioner to count the service rendered in the Transport Corporation Department. The learned counsel for the petitioner referred to Rule 9 of the Tamil Nadu State Transport Corporation Employees Pension Fund Rules. However, the said rule can have no application, as it would apply only in respect of the employees transferred / absorbed from other Tamil Nadu Public Sector Undertaking / Government Department.

6. Admittedly, the petitioner was working as Senior Assistant in the Transport Department and he had secured an employment as Post Graduate Assistant in the Education Department. Hence, he resigned his service from the State Transport Corporation. But, after



getting retirement from the second respondent School on attaining the age of superannuation, the petitioner has come forward with such plea. The learned writ Court has rightly dismissed the writ petition. We see no grounds to interfere with the same. Hence, this writ appeal is dismissed. No costs.

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Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

To

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+1 cc Mr.C.GANGAI AMARAN, ,Advocate, SR.No. 86351

W.A. (MD) No.915 of 2019
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_KK/SAR/03.10.2019/3P-7C/