



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.03.2019

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WEB COPY

THE HONOURABLE MR.JUSTICE R.MAHADEVAN**W.P(MD) No.18281 of 2017**

S.Narayanan

... Petitioner

vs.

1.The Management of Tamil Nadu
State Transport Corporation (Kumbakonam) Ltd.,
rep.by its Managing Director,
Kumbakonam.

2.The General Manager,
Tamil Nadu State Transport Corporation
(Kumbakonam) Ltd.,
Pudukottai Region,
Pudukottai.

3.The Administrator,
Tamil Nadu State Transport Corporation
Pension Fund Trust,
Thiruvalluvar House,
Pallavan Salai,
Chennai - 2.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents to count the period of the petitioner's service from 09.05.1987 to 18.11.1997 for the purpose of grant of review benefits by considering his representation dated 03.07.2017 and pass orders on merits and in accordance with law.

For Petitioner : Mr.A.Rahul

For Respondents : Mr.D.Sivaraman

O R D E R

This writ petition has been filed seeking a direction to the respondents to count the period of the petitioner's service from 09.05.1987 to 18.11.1997 for the purpose of grant of review benefits, based on the representation dated 03.07.2017.



2. Heard the learned counsel appearing for the petitioner and the learned Standing Counsel appearing for the respondents.

3. The grievance of the petitioner is that his service period from 09.05.1987 to 18.11.1997 was not counted for grant of review benefits. Hence, several representations were made before the respondents and finally on 03.07.2017. Since no action is forthcoming, this writ petition has been filed.

4. The learned Standing Counsel appearing for the respondents submitted that after dismissal from service, the petitioner was appointed as a Junior Tradesman as a fresh entrant by order dated 13.04.1998 and such reinstatement was done only with the condition that the petitioner shall not claim benefit of continuity of service and other benefits. Therefore, the claim of the petitioner cannot be granted.

5. As rightly contended by the learned Standing Counsel appearing for the respondents, the petitioner was given reappointment imposing certain conditions, one of which is that he should not claim the benefit of continuity of service and other benefits. The petitioner, having been accepted for the same and after his reinstatement in service, has now come forward with such claim by filing the present writ petition. As such the same cannot be countenanced by this Court.

6. Hence, the writ petition is dismissed as not maintainable. No costs.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar (CS)

To

1. The Managing Director,
Management of Tamil Nadu
State Transport Corporation (Kumbakonam) Ltd.,
Kumbakonam.

2. The General Manager,
Tamil Nadu State Transport Corporation
(Kumbakonam) Ltd.,
Pudukottai Region, Pudukottai.



3.The Administrator,
Tamil Nadu State Transport Corporation
Pension Fund Trust,
Thiruvalluvar House,
Pallavan Salai,
Chennai - 2.

+1 CC to M/s.A.RAHUL, Advocate in SR-54508
+1 CC to M/s.D.SIVARAMAN, Advocate in SR-54459

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15.03.2019

mj
PK/15.04.2019 : 3P/6C