



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.08.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No.5963 of 2014

and

M.P. (MD) No.1 of 2014

WEB COPY

Aseervatham

... 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 Illam
Chennai-600 002

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of certiorarified mandamus calling for the records pertaining to the impugned order passed by the 1st respondent in ref: Tha.Aa.Po.Ka/Kumba/Pudukai/P.F2/PPO No/529 dated Nil, quash the same in so far as the action of the respondents in treating the petitioner's service period from 25.7.1986 to 18.6.1996 rendered by the petitioner in the post of Driver as "non-employment period" is illegal, arbitrary and consequently direct the respondents to pay pension to him by taking into account his entire service period rendered by him from 25.7.1986 to 31.3.2010 and to pay arrears of difference in pension benefits including monthly pension gratuity and all other attendant benefits payable to him with effect from 31.3.2010 to till date, within the time stipulated by this Court and continue to pay his monthly pension every month.

For Petitioner : Mr.A.Rahul

For Respondents : Mr.D.Sivaraman for R1 & R2
No appearance for R3



ORDER

The relief sought for in the present writ petition is to quash the order, dated Nil, passed by the first respondent, in respect of the claim of the writ petitioner to treat his service period from 25.07.1986 to 18.06.1996 as duty period and to provide him service benefits.

2. The writ petitioner served with the respondent / Transport Corporation as Driver and thereafter, on account of medical unfitness, he was re-appointed as a fresh entrant as Helper (Non-technical), under a tripartite agreement. The writ petitioner joined on 10.07.1996 and retired from service on 31.03.2010. After retirement, the terminal and pensionary benefits were settled in favour of the writ petitioner and now, he is receiving pension.

3. The present writ petition is filed by the writ petitioner at the age of 62 years and after a lapse of about four years from the date of his retirement (i.e.31.03.2010). Thus, the notional benefit now sought for by the writ petitioner, after a lapse of four years from the date of retirement cannot be granted. The writ petitioner accepted the terms of appointment as a Helper (Non-technical) in the year 1996, served in the respondent / Transport Corporation and allowed to retire from service on 31.03.2010. This being the factum, after a lapse of many years, the retrospective claim now set out in the present writ petition cannot be considered at all.

4. Though the learned counsel appearing for the writ petitioner submitted that as per the provisions of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995, pay protection is to be given, at this length of time and after accepting the terminal benefits from the respondent / Transport Corporation, the claim of the writ petitioner cannot be considered. Thus, the writ petition deserves no merit consideration.

5. Accordingly, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AD-I)

// True Copy //

Sub Assistant Registrar(CS)

+1 CC to Mr.D.SIVARAMAN, Advocate SR-81385.

+1 CC to Mr.A.RAHUL, Advocate SR-81579.

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