



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 12..03..2020

CORAM

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

Writ Petition No.29304 of 2013

K.Arumugam

... Petitioner

-Versus-

1.The Deputy Secretary,
Transport (RW1) Department,
Government of Tamil Nadu,
Secretariat, Chennai 600 009.

2.The Management of Tamil Nadu
State Transport Corporation (Villupuram-II) Ltd.,
Rangapuram,
Vellore 632 009.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus calling for the records relating to the Letter of the 1st respondent under reference No.4790/RW1/2013-2 dated 16.04.2013 and consequently, direct the 1st respondent to pay pension to the petitioner as per G.O.Ms.No.378, Finance (F.R. Department), dated 18.04.1975.

For Petitioner : Mr.S.T.Varadarajulu

For Respondent(s) : Mr.S.Thangavel, Spl.G.P. for
R1

Mr.C.S.K.Sathish for R2

ORDER

This writ petition has been filed challenging the order passed by the 1st respondent rejecting the request made by the petitioner for grant of pension and for a consequential direction for payment of pension to the petitioner as per G.O.Ms.No.378, Finance (F.R. Department), dated 18.04.1975

2. The petitioner was working as Driver in the Transport Department of Government of Tamil Nadu. He had joined the department as driver on 09.05.1964. Pursuant to the policy decision taken by the Government of Tamil Nadu to form separate transport corporations to take over the operation and management of public transport in the Districts concerned, the respondent



corporation came into existence in the year 1975. The petitioner was deputed to work in Metro Transport Corporation Limited (formerly known as Pallavan Transport Corporation Limited) and he had continued to work in the corporation. While he was in service, on 10.12.1981, he was removed from service. Thereafter, he had sent a representation to the corporation for pension which was rejected on the ground that he was removed from the service and therefore, he was not entitled for pension. Challenging the same, the petitioner is before this court with the instant writ petition.

3. I have heard the learned counsel appearing for the petitioner; the learned Special Government Pleader appearing for the 1st respondent; and the learned counsel appearing for the 2nd respondent and also perused the records carefully.

4. According to the petitioner as he got retired after having put in more than 15 years of continuous service, he is entitled for pension. Even though he was removed from service, as per G.O.Ms.No.378 dated 18.04.1975, he is entitled to receive pension.

5. The request of the petitioner for pension was rejected on the ground that he was removed from service. The learned counsel appearing for the 1st respondent produced a xerox copy of the counter filed by the 2nd respondent wherein the respondents inter alia contended the petitioner was appointed as driver in the Department of Transport in the year 1964 and was permanently observed by the Transport Corporation and he was removed from service on 10.12.1981 based on the proved charges of unauthorized absence. As per Rule 21 of The Tamil Nadu Pension Rules, 1978, employees dismissed or removed from the service entails for forfeiture of their past service. Therefore, the request of the petitioner for pension could not be considered. That apart, the petitioner is not eligible for sanction of Government pension as per G.O.Ms.No.378, Transport Department, dated 18.04.1975 as he has put in 8 years, 9 months and 8 days of net qualifying service, excluding a non qualifying service of 7 months and 22 days. However, all the terminal benefits which were available to the petitioner had been sanctioned and paid by the Transport Department to the petitioner.

6. Rule 21 of The Tamil Nadu Pension Rules, 1978 enjoins for forfeiture of service in the event of employee suffers a dismissal or removal from service and entails for forfeiture of his service. The Rule 21 reads as follows:-

"21. Forfeiture of Service on dismissed or removal - Dismissal or removal of a Government servant from a service or post entails forfeiture of his past service."



7. It is an admitted fact that the petitioner was removed from the service w.e.f. 10.12.1981. Therefore, as rightly pointed out by the learned Additional Government Pleader for the respondents, in view of the provision under Rule 21 of the Tamil Nadu Pension Rules, the petitioner is not entitled for pension. Having considered the same, the respondents have rightly rejected the request of the petitioner for pension. This court does not find any illegality or irregularity in the same. Therefore, the order impugned in the writ petition does not require any interference at the hands of this court and the writ petition deserves only to be dismissed.

In the result, this writ petition is dismissed. No costs.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

kmk

To

- 1.The Deputy Secretary, Transport (RW1) Department,
Government of Tamil Nadu, Secretariat, Chennai 600 009.
- 2.The Managing Director, Tamil Nadu State Transport Corporation
(Villupuram-II) Ltd., Rangapuram, Vellore 632 009.

+1cc to Mr.C.S.K.Sathish, Advocate, S.R.No.22783
+1cc to Mr.S.T. Varadarajulu, Advocate, S.R.No.22272
+1cc to the Government Pleader, S.R.No.23220

W.P.No.29304 of 2013

MR(CO)
EU 6.7.2020