



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 08.02.2021

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**THE HONOURABLE MR. JUSTICE R.SUBRAMANIAN**

**Review Application Writ (MD)No. 10 of 2020**

**and**

**W.M.P(MD)No.2278 of 2020**

The Managing Director,  
Tamil Nadu State Transport Corporation Ltd.,  
Madurai division -1,  
Registered Administrative Office,  
Bye-Pass Road,  
Madurai - 10.

...Petitioner/4<sup>th</sup> Respondent

**Vs.**

1.S.Krishnaveni

2.The Government of Tamil Nadu  
Rep. By its Special Commissioner  
and Secretary to Government,  
Transport (RW) Department,  
Fort St.George,  
Chennai - 600 009.

3.The State Government of Tamil Nadu,  
Deputy Secretary to Government,  
Transport Department,  
Fort St.George,  
Chennai - 600 009.

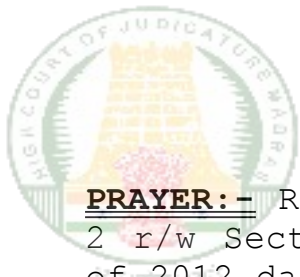
4.The Director of Treasuries and Accounts  
Panagal Buildings, Jennis Road,  
Saidapet, Chennai - 600 015.

5. The Administrator,  
Tamil Nadu State Transport Corporation,  
Employees Pension Fund Trust,  
Pallavan Salai,  
Chennai.

...Respondents/Respondents 1 to 5

(RR5 is *suo motu* impleaded Vide Court order dated 25.02.2020 made in this review application)

<https://hcservices.ecourts.gov.in/hcservices/>



**PRAYER:-** Review application is filed under Order XL VII Rule 1 and 2 r/w Section 115 of C.P.C against the order in W.P(MD) No.12950 of 2012 dated 20.03.2017.

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Prayer in WP(MD). 12950 of 2012 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a WRIT OF MANDAMUS, directing the Respondents to forthwith pay Pension to the Petitioner with arrears of Pension from 01-06-2011 with interest AT 18% per annum.

|                |   |                                         |
|----------------|---|-----------------------------------------|
| For Petitioner | : | Mr.J.Senthil Kumaraiah                  |
| For R1         | : | Mr.V.S.Karthi for M/s.Karthi Associates |
| For R5         | : | Mr.J.Senthil Kumaraiah                  |

### O R D E R

Review is sought for by the fourth respondent in W.P(MD) No.12950 of 2012 on the ground that reliance had been placed under Rule 11(2) of the Tamil Nadu Pension Rules. The said Rule is applicable only to Government servants, since the writ petitioner/R1 is an employee of the Transport Corporation, the Tamil Nadu Pension Rules will not apply.

2. However, it is seen that the direction to grant pension was also based on the judgment of the Division Bench of this Court in **Government of Tamilnadu Vs. Tamilnadu Government Transport Retirement Employees Welfare Association**, wherein this Court had held that for determining eligible service the part of the year which is more than 6 months should be taken as 1 year. In the case on hand, the petitioner had served the Corporation as a permanent employee for a period of 9 years 8 months and 25 days. If the judgment of the Division Bench referred to above is applied, then the petitioner is deemed to have completed pensionable service of 10 years. Therefore, I do not see any ground to review the order on the above premise.

3. However, Mr.J.Senthil Kumaraiah, learned counsel appearing for the petitioner would submit that the pension disbursing authority namely, the Administrator of Tamil Nadu State Transport Corporation Employees Pension Fund Trust has not been impleaded in the writ petition and therefore, the direction to calculate the pension and pay the same could not be complied with.

4. Though this ground has not been taken in the original review petition by the Managing Director, the review petitioner has filed an additional affidavit raising the said ground.



5. By order dated 25.02.2020, I, *suo motu*, impleaded the Administrator of the Tamil Nadu State Transport Employees Pension Fund Trust to the review petition and issued notice to him.

6. Notices have been served on the newly impleaded respondent. Mr.J.Senthil Kumaraiah, learned counsel appears for the fifth respondent also.

7. The only defect pointed out can be cured by directing the Administrator, Tamil Nadu State Employees Pension Fund Trust is to calculate the pension of the first respondent and pay the same. Therefore, the respondents 4 and 5 in the writ petition are directed to calculate the pension of the first respondent and pay the same within a period of four weeks from the date of receipt of a copy of this order.

8. In fine, this petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-III)

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/ /2021

Sub Assistant Registrar(CS)

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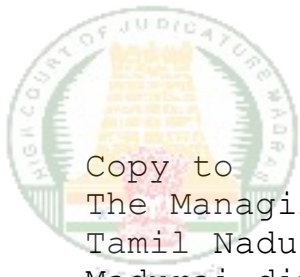
To:

1.The Special Commissioner and  
Secretary to Government,Transport (RW) Department,  
Fort St.George,Chennai - 600 009.

2.The Deputy Secretary to Government,  
Transport Department,Fort St.George,  
Chennai - 600 009.

3.The Director of Treasuries and Accounts  
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+1 CC to Mr.V.S.KARTHI, Advocate SR.No. 3826

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**and**  
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