

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Date : 15.03.2021

CORAM:

THE HON'BLE MR. JUSTICE R.SURESH KUMAR

W.P.No.4530 of 2010

A.Natarajan

... Petitioner

Vs.

1.The Secondary to Government,  
Transport Department  
Secretariat, Chennai - 600 009.

2.Managing Director  
State Express Transport Corporation  
Tamil Nadu Limited,  
Pallavan Salai, Chennai - 600 002.

... Respondents

Prayer: Petition filed under Article 226 of Constitution of India praying for issuance of a Writ of Mandamus directing the respondents to accept the earlier application dated 06.07.2005 and to grant the pension by taking into consideration total qualifying service as 10 years and to make the payment of pension arrears from 01.01.1988 within a time frame and to also pay pension every month subsequently arising.

For Petitioner : No appearance

For 1st Respondent : Mrs.K.Bhuvaneswari  
Additional Government Pleader

For 2nd Respondent : Mrs.Rita Chandrasekaran  
Standing Counsel

ORDER

The prayer sought for herein is for a writ of mandamus directing the respondents to accept the earlier application dated 06.07.2005 and to grant the pension by taking into consideration total qualifying service as 10 years and to make the payment of pension arrears from 01.01.1988 within a time frame and to also pay pension every month subsequently arising.

2.The petitioner was working as driver at the respondent Transport Corporation/Transport Department from 22.03.1971 and retired from service on 01.04.1982. Therefore, the said service if it is calculated, it comes only for 9 years 8 months and 25 days. However, for getting the minimum pension, there must be a minimum qualifying service of 10 years and without which the petitioner cannot be considered for granting even the minimum pension, therefore, his request in this regard has been turned out by the orders passed by the second respondent dated 17.09.2007. Subsequently, the petitioner has given some representation and following which, he filed this writ petition seeking the aforesaid prayer of mandamus to consider his minimum pensionable service and accordingly, sanction the minimum pension to the petitioner.

3.When the case is called, there is no representation for the petitioner. However, Mrs.Rita Chandrasekaran, learned Standing Counsel appearing for the second respondent, on instruction, would submit that, admittedly the petitioner had rendered only 9 years 8 months and 25 days service, which is less than 10 years being the minimum required service for the purpose of sanction the minimum pension to the petitioner, therefore, his request was turned out.

4.In this context, this Court pointed out that the law having been settled in this regard to the effect that, when the minimum eligible service for sanctioning pension is more than 9 years and 6 months, the remainder i.e., less than six months period can be rounded off to 10 years and accordingly, the minimum pension can be considered and granted to such eligible persons. With regard to the said legal position, the learned Standing Counsel appearing for the second respondent has fairly submitted that, there can be no dispute in this regard.

5.In that view of the matter, this Court feels that even though the petitioner has rendered only 9 years 8 months and 25 days service, which is less than 10 years minimum service for the purpose of calculating the pension, in view of the legal position having been settled and in this regard, number of orders since have been passed by this Court, the said period of 9 years 8 months and 25 days can be rounded off as 10 years for the purpose of minimum qualifying service to consider the claim of the petitioner for grant of minimum pension.

6.Accordingly, this Court is inclined to dispose of this writ petition with the following orders.

(i) That the respondents are hereby directed to consider the request of the petitioner for grant of minimum pension to the petitioner by taking into account the service rendered by the petitioner for 9

years 8 months and 25 days as 10 years by rounding of the remainder and accordingly sanction the minimum pension for the petitioner as if he had rendered 10 years of service to the respondent organisation.

(ii) The needful, as indicated above, shall be undertaken by the respondents within a period of eight weeks from the date of receipt of a copy of this order.

7. With this direction, this Writ Petition is disposed of.  
No costs.

Sd/-

Assistant Registrar (CS-VII)

//True Copy//

Sub Assistant Registrar

Sgl

To

1. The Secretary to Government,  
Transport Department  
Secretariat, Chennai - 600 009.

2. The Managing Director,  
State Express Transport Corporation  
Tamil Nadu Limited,  
Pallavan Salai, Chennai - 600 002.

+1cc to Mrs. Jayash B Dolia, Advocate SR.16888  
+1cc to the Government Pleader SR.16729

W.P.No.4530 of 2010

PL(CO)  
CB(29/03/2021)

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