



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **04.06.2021**

CORAM

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

W.P (MD) No. 9578 of 2021

WEB COPY

K. Chellasamy

... Petitioner

Vs.

1. The Managing Director,
Tamil Nadu State Transport Corporation (MDU) Ltd.,
Bye-Pass Road,
Madurai - 625 010.

2.The Administrator,
TNSTC Employees Pension Trust,
Thiruvalluvar House,
No.2, Pallavan Salai,
Chennai - 600 002.

3.The General Manager,
Tamil Nadu State Transport Corporation (MDU) Ltd.,
Virudhunagar Region Bye-Pass Road,
Virudhunagar.

... Respondents

RAYER: Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondents directing the respondents for counting the service of 29 years for the terminal benefits instead of the 27 years after deducting the LLP, suspend and absent in total of 460 days in the whole period of service and based on the above terminal benefits and pension to be revised and give difference arrears amounts of terminal benefits and pension with retrospective from the date of retirement to the date of actual payment and further consequently, direct the respondents to disburse the difference amount of terminal benefits and with interest at the rate of 6% per annum payable from the date of retirement to the disposal of the said amount within the stipulated time fixed by this Court.

For Petitioner

: Mr.K. Gokul

For Respondents 1 &2

: Mr. J. Senthil Kumaraiah
Standing Counsel for Government



ORDER

Mr.J. Sethil Kumaraiah, learned Standing Counsel for the Transport Corporation, accepts notice on behalf of the respondents 1 and 2.

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2. By consent, the Writ Petition is taken up for final disposal at the admission stage itself.

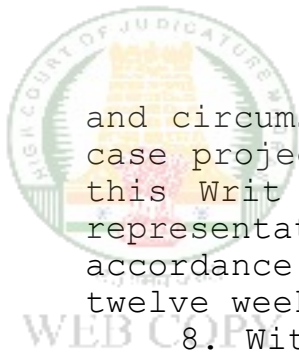
3. This Writ Petition has been filed for the issuance of a Writ of Mandamus, directing the respondents for counting the service of 29 years for the terminal benefits instead of 27 years after deducting the LLP, suspend and absent in total of 460 days in the whole period of service and based on the above terminal benefits and pension to be revised and give difference arrears amounts of terminal benefits and pension with retrospective from the date of retirement to the date of actual payment and further consequently, direct the respondents to disburse the difference amount of terminal benefits and with interest at the rate of 6% per annum payable from the date of retirement to the disposal of the said amount within the stipulated time fixed by this Court.

4. According to the petitioner, he was appointed as a Conductor in the respondent Transport Corporation on 16.07.1987 and promoted as a Special Grade Conductor and thereafter, he was retired from service on 31.05.2016 on attaining the age of superannuation. After obtaining the Service Register through Right to Information Act on 01.04.2021, the petitioner knows that his service was calculated as 27 years instead of 29 years from the date of joining in the service to the date of retirement. The counting of the service was wrongly calculated after deducting the LLP, suspend and absent in total day of 460 days in the whole service of him and hence, this has affected his salary and terminal benefits, including pension also. Hence, the petitioner has sent several representations to the respondents, but no action has been taken so far. In such circumstances, the petitioner has come forward with the present writ petition.

5. At the time of hearing, the learned counsel appearing for the petitioner submitted that even though a larger relief is sought for in this Writ Petition, it would suffice, if a direction is issued to the respondents to consider and pass orders on the representation of the petitioner dated 09.04.2021.

6. The learned standing counsel for the respondents would state that the representation of the petitioner would be considered within a reasonable time.

7. Considering the submissions of the learned counsel for the petitioner as well as the respondents and in the light of the facts



and circumstances of the case, without going into the merits of the case projected by the petitioner either in his representation or in this Writ Petition, the respondents are directed to consider the representation of the petitioner dated 09.04.2021, on merits and in accordance with law and pass appropriate orders within a period of twelve weeks from the date of receipt of a copy of this order.

8. With the above direction, the writ petition is disposed of. No Costs.

Sd/-

Assistant Registrar

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

trp

Note:(i) In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To:

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