



WEB COPY



W.P.No.11460 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.11.2022

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.11460 of 2019

K.Raghavan

...Petitioner

Vs.

1.The Managing Director,
Tamil Nadu State Transport
Corporation (Salem) Ltd.,
12, Ramakrishna Road,
Salem – 636 007.

2.The Administrator,
Tamilnadu State Transport Corporation
Employees Post Retirement Welfare
Fund Scheme Trust,
Thiruvallurvar House,
Pallavan Salai,
Chennai – 600 002.

..Respondents

Prayer : Writ Petition filed Under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents / Management to recalculate the period of pensionable service of the petitioner either from 05.07.1984, the date on which his subscription to P.F. was effected or from 05.09.1984 - the date on which he was admitted to the P.F. TRUST as



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member instead of 05.07.1985 and accordingly revise his pension, and pay the arrears of pension being the differential amount payable to him from the date of retirement on 01.10.2013.

For Petitioner : M/s.S.Girija
For R1 : Mr.R.Babu
For R2 : Mr.C.S.K.Sathish

ORDER

The relief sought for in the present writ petition is for a direction to direct the respondents / Management to recalculate the period of pensionable service of the petitioner either from 05.07.1984, the date on which his subscription to P.F. was effected or from 05.09.1984 - the date on which he was admitted to the P.F. TRUST as a member instead of 05.07.1985 and accordingly revise his pension, and pay the arrears of pension being the differential amount payable to him from the date of retirement on 01.10.2013.

2. The petitioner states that he joined as a Record Clerk on 05.07.1984 in the respondent Corporation. Subsequently, he was upgraded and posted as a Junior Assistant with effect from 05.07.1985.



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3. However, the fact remains that the petitioner was regularly appointed as a Junior Assistant with effect from 01.05.1987.

4. It is not in dispute that the terminal and pensionary benefits due to the petitioner were settled based on his regular appointment in the sanctioned post in the time scale of pay.

5. The claim of the writ petitioner is that the services rendered by him as a Record Clerk prior to the year 1985 is also to be reckoned as qualifying services for the purpose of grant of pensionary benefits.

6. In this regard, the learned counsel appearing on behalf of the 1st respondent mainly contended that the petitioner relinquished the post of Record Clerk and after 18 (1) Settlement between the Labour Union and the Management, he was re-appointed as a Junior Assistant in the year 1985 and all his benefits were already settled based on the rules and taking into consideration, the date of regular appointment.



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7. The learned counsel appearing on behalf of the 2nd respondent made a submission that the pensionary benefits are to be settled from the date on which the employee became a member of the Trust under the Pension Regulation. Thus, in the present case, the date on which, the petitioner was regularly appointed, was taken into consideration for settling the pensionary benefits.

8. As far as the Provident Fund Contribution made by the petitioner prior to his regular appointment, the petitioner has to work out his remedy before the Provident Fund authorities under the provisions of the Provident Fund Act. As far as the Transport Corporation is concerned, they have settled the benefits as per the Pension Rules from the date on which the petitioner was regularly appointed in the post.

9. This being the factum, the prayer as such sought for in the present writ petition deserves no merit consideration.



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10. Accordingly, the writ petition stands dismissed. No costs.

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Index : Yes
Speaking order : Yes
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To

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S.M.SUBRAMANIAM, J.

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