



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.04.2022

CORAM

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.No.40885 of 2015

S.Palanisamy

..Petitioner

Vs.

1.The Managing Director,
Tamil Nadu State Transport
Corporation (Coimbatore) Ltd.,
No.37, Mettupalayam Road,
Coimbatore - 641 043.

2.The Administrator,
T.N.S.T.C. Employees Pension Fund Trust,
Pallavan Salai,
Chennai - 600 002.

..Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondents to pay the pension as claimed in the form 5 submitted by the petitioner dated 31.08.2015.

For Petitioner : Mr.B.Nedunchezhiyan

For R1 : Mr.A.Sundaravadanam

For R2 : Mr.C.S.K.Sathish

ORDER

On the basis of certain proved charges, the petitioner was dismissed from service on 24.10.2001. When the petitioner had challenged the dismissal order before the Labour Court in I.D.No.139 of 2002, the Award dated 09.07.2008 came to be passed, whereby the petitioner was reinstated into service but without backwages. The same was challenged before this Court and by an order dated 22.09.2014, this Court had held that the dismissal order was justified. However by taking into account the fact that the petitioner had attained the age of superannuation in the month of January 2014, gave a direction to the respondents to pay the backwages from the date of dismissal till the date of his superannuation. This amount was admittedly paid to the petitioner.



2. The petitioner now claims the benefit of pension in the present writ petition. When the petitioner has already been dismissed from service and the dismissal order has also been confirmed by this Court, he would not have any legal right to seek for pension on par with the regular employees.

3. The learned counsel appearing for the first and second respondents placed reliance on the Rule 21(a) of the Tamil Nadu State Transport Corporation Employees Pension Fund Trust Rules, which provides that a member who has been dismissed from service shall not have claim with pension or pensionary benefits. In view of these regulations, the claim of the petitioner, cannot be substantiated.

4. Accordingly, this Writ Petition stands dismissed. No costs. Connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar (CS-III)

//True copy//

Sub Assistant Registrar

Pns

To

1.The Managing Director,
Tamil Nadu State Transport
Corporation (Coimbatore) Ltd.,
No.37, Mettupalayam Road,
Coimbatore - 641 043.

2.The Administrator,
T.N.S.T.C. Employees Pension Fund Trust,
Pallavan Salai,
Chennai - 600 002.

+1cc to Mr.C.S.K.Sathish, Advocate SR.No.24929
+1cc to Mr.A.Sundaravadanam, Advocate SR.No.24621
+1cc to Mr.Nedunchezhiyan, Advocate SR.No.24514

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PL(CO)
GMY(27/04/2022)