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W.P. No.14158 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.09.2022

CORAM

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P. No.14158 of 2020

N.Appasamy

... Petitioner

Vs.

1.The Principal Secretary,
Transport Department,
Secretariat, Government of Tamil Nadu,
Chennai – 600 009.

2.The Managing Director,
Metropolitan Transport Corporation
(Chennai) Ltd., Pallavan Illam,
Anna Salai, Chennai – 600 002.

3.The Managing Director,
Tamil Nadu State Transport Corporation
(Madurai) Limited,
Bye Pass Road, Madurai – 625 010.

4.The General Manager,
Tamil Nadu State Transport Corporation
(Madurai) Ltd., Thirunelveli Region,
Vannarapattai, Thirunelveli.

5.The Administrator,
Tamil Nadu State Transport Corporation
Employees Pension Fund,
Pallavan Salai, Chennai – 600 002.

... Respondents



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PRAYER : Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus directing the 2nd respondent to send service particulars of the petitioner for the period from 1982 to 10.07.2005 to the 3rd respondent to count the service rendered with them and to direct the 3rd respondent to sanction pension under 1998 Pension Scheme to the petitioner.

For Petitioner : Mr.S.T.Varadarajalu

For Respondents : Mr.M.Rajendran
Addl. Govt. Pleader (for R1)

: Mr.R.Balaji
Standing Counsel (for R2)

: Mr.C.S.K.Sathish
Standing Counsel (for R5)

ORDER

The prayer sought for herein is for a writ of mandamus directing the 2nd respondent to send service particulars of the petitioner for the period from 1982 to 10.07.2005 to the 3rd respondent to count the service rendered with them and to direct the 3rd respondent to sanction pension under 1998 Pension Scheme to the petitioner.

2. The petitioner was appointed as Driver at the 2nd respondent Corporation in 1982 and in that capacity he worked till 1995, at that time due to disciplinary action he was removed from service.



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4. Though the petitioner retired from service on 28.02.2014, his retirement and pensionary benefits calculating the entire service of the petitioner which he rendered both at 2nd respondent as well as 3rd respondent including the 4th respondent for the whole period from 1982 to 2014 except some break in service, has not been calculated and therefore,



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in order to consolidate the service records among the respondents to forward the same to the 5th respondent who in turn will consider and pass orders on the disbursement of the provident fund/ pension payable to the petitioner in 1998 Pension Scheme, the petitioner has approached this Court by filing the present writ petition.

5. Heard Mr.S.T.Varadarajalu, learned counsel appearing for the petitioner, Mr.M.Rajendran, learned Additional Government Pleader appearing for the 1st respondent, Mr.R.Balaji, learned Standing Counsel appearing for the 2nd respondent and Mr.C.S.K.Sathish, learned Standing Counsel appearing for the 5th respondent.

6. In view of the order going to be passed in this writ petition, notice to the 3rd and 4th respondents though had been made since no one is appearing that would not make any adverse effect on the 3rd and 4th respondents.

7. Insofar as the service rendered by the petitioner from 1982 to 2014 as Driver as stated supra mainly since his lien has not been cut off at the 2nd respondent even though he has been deputed to the 3rd



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respondent sometime in 2005 who pressed the petitioner into service at the 4th respondent sometime from 2005 where he worked till 2014, the 2nd respondent can collect all service particulars from 2005 to 2014 from the 3rd respondent who having the administrating control over the 4th respondent, after collecting the same and after consolidating his service records available with the 2nd respondent, it can be forwarded to the 5th respondent for necessary action. In that view of the matter, this Court is inclined to dispose of this writ petition with the following orders:

(i) That there shall be a direction to the 2nd respondent to consolidate the service record of the petitioner after obtaining the records of his service from 2005 to 2014 from the 3rd respondent along with the records available with the 2nd respondent, it can be forwarded to the 5th respondent who on receipt of the same shall decide the request made by the petitioner with regard to retirement and pensionary benefits and pass orders thereon.

(ii) In this regard, in respect of the direction given to the 2nd respondent to consolidate the service particulars after obtaining the same from the 3rd respondent and to forward



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the same to the 5th respondent, the needful shall be undertaken within a period of two months from the date of receipt of a copy of this order. Thereafter, on receipt of the same, the needful as indicated above shall be undertaken by the 5th respondent within eight weeks thereafter.

8. With these directions, this Writ Petition is disposed of. No costs.

14.09.2022

Index : Yes / No

Speaking Order : Yes / No

Sgl

To

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R.SURESH KUMAR, J.

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