



WP No.73 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27-10-2022

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THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

WP No.73 of 2019

P.Subramani

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Petitioner

vs.

1.The Managing Director,
Tamil Nadu State Transport Corporation
(Villupuram) Limited,
3/137, Chalamedu Vazhtha Reddi (Post),
Villupuram – 605 602.

2.The General Manager,
Tamil Nadu State Transport Corporation
(Villupuram) Limited,
(Vellore Division),
Rengapuram,
Vellore – 632 009.

..

Respondents



WP No.73 of 2019

Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondents to reconstruct the petitioner's Service Book based on the Service Book of the petitioner's junior and pay the petitioner pension for his Government Service with arrears within the stipulated time.

For Petitioner : Mr.K.Malaikannu

For Respondents : Mr.M.Aswin

O R D E R

The relief sought for in the present writ petition is to direct the respondents to reconstruct the Service Book of the writ petitioner based on the Service Book of the junior to the writ petitioner and pay the writ petitioner pension for his Government Service with arrears within the stipulated period.

2. The very relief sought in the present writ petition is misconceived. Pension cannot be sanctioned based on the Service Book of the junior to the writ petitioner.



WP No.73 of 2019

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3. That apart, reconstruction of the Service Book of the writ petitioner is based on the Service Book of the junior to the writ petitioner, is also not possible. Such an analogy may not work out in the matter of grant of pension.

4. Pension is to be sanctioned based on the services rendered by the employee concerned. There cannot be any comparison in respect of the services of the junior to the writ petitioner, as the pension is to be granted strictly in accordance with the Pension Rules, which is applicable to the employee concerned.

5. In the present case, the petitioner states that he served in the Transport Department of the Government of Tamil Nadu from the year 1966 onwards and not attended the duty from the year 1983. The petitioner admitted the fact that he remained unauthorisedly absent and thereafter the departmental disciplinary proceedings were initiated and the Check Slip issued by The Pattukottai Azhagiri Transport Corporation Limited, Vellore



WP No.73 of 2019

reveals that the petitioner was dismissed from service on 09.02.1984.

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6. The learned counsel for the petitioner made a submission that the dismissed employee in the Corporation Services is also eligible for Government Pension under the Tamil Nadu Pension Rules, 1978 with reference to the services rendered by him in the Transport Department. However, the petitioner admits that no Service Records are available with reference to the services rendered by him in the Transport Department of the Government of Tamil Nadu. Since the Service Records are not available, the petitioner has prayed before this Court that the Service Records of the writ petitioner is to be reconstructed based on the Service Records of the junior to the writ petitioner.

7. The natural question arises when the Service Book of the writ petitioner is not available, then how to find out the Service Book of the junior to the writ petitioner for the purpose of reconstruction of the Service Book of the writ petitioner. Thus the very proposition in the prayer is illogical and cannot be considered. If at all the Service Book Records of the



WP No.73 of 2019

petitioner is not available, it is for the petitioner to furnish the available documents for the purpose of reconstruction of the Service Book. Once the service particulars are available, then alone the Competent Authorities would be in a position to submit the necessary proposal for sanction of pension through the Competent Authorities.

8. In the absence of any such service particulars in clear, it may not be possible for the Authorities to consider the case of the writ petitioner even for submitting the pension proposal. The petitioner cannot file a writ petition based on the vague grounds and seek the relief to reconstruct the Service Book of the writ petitioner based on the Service Book of the junior to the writ petitioner.

9. This being the factum established, the writ petitioner has not stated the complete facts and further admitted that the Service Records of the writ petitioner are not available.



WP No.73 of 2019

10. Under these circumstances, this Court is not in a position to consider the relief as such sought for in the present writ petition.

11. Accordingly, the writ petition stands dismissed. However, there shall be no order as to costs.

27-10-2022

Index : Yes/No.

Internet : Yes/No.

Speaking Order/Non-Speaking Order.

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WP No.73 of 2019

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WEB COPY

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WEB COPY



WP No.73 of 2019

S.M.SUBRAMANIAM, J.

Svn

WP 73 of 2019

27-10-2022