



WP(MD)No.2228 of 2018

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **01.08.2022**

CORAM:

THE HONOURABLE **MR.JUSTICE M.S.RAMESH**

W.P.(MD)No.2228 of 2018

V.S.Muthu

... Petitioner

/vs./

1.The Management of
Tamil Nadu State Transport Corporation (Kumbakonam) Ltd.,
Kumbakonam Region,
Rep. by its Managing Director,
Kumbakonam.

2.The Administrator,
Tamil Nadu State Transport Employees Pension Fund Trust,
Thiruvalluvar Illam,
Anna Salai,
Chennai – 2.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to pay full pension to the petitioner by treating the entire period of his service from 21.05.1974 to 31.08.2007 as his pensionable service under TNSTCEPF rules, along with arrears of pension from 01.09.2007 and balance of pension commutation, together with interest at the rate of 16% p.a.



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For Petitioner : Mr.S.Arunachalam
For Respondent No.1 : Mr.D.Sivaraman
Standing Counsel
For Respondent No.2 : Mr.S.C.Herold Singh
Standing Counsel

ORDER

It is the claim of the petitioner that he has joined the respondent Corporation on 21.05.1974 and thereafter dismissed on 07.01.1981. Challenging the dismissal order, he had raised an Industrial Dispute in I.D.No.174 of 1999 before the Labour Court, Cuddalore, and by order dated 26.09.1994, the respondent Corporation was directed to reinstate the petitioner herein back into service, together with backwages and continuity of service.

2.When the transport Corporation had challenged the award dated 26.09.1994, passed in I.D.No.174 of 1999 by the Labour Court, Cuddalore, before this Court, in Writ Petition No.10376 of 1995, the same came to be dismissed on 02.07.2002, insofar as the challenge to the order of reinstatement is concerned.



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However, the award of full backwages was modified into 25% of the backwages.

Order of the Writ Court came to be confirmed by the Hon'ble Division Bench of this Court in Writ Appeal No.2906 of 2002 dated 01.09.2009. As such, the award of the Labour Court, Cuddalore, reached finality by directing the respondent Corporation to reinstate the petitioner with 25% backwages, together with continuity of service with effect from 07.01.1981.

3.It is not in dispute that the petitioner had joined the service on 21.05.1974. In view of the award of the Labour Court, Cuddalore, as confirmed by the Division Bench of this Court, the petitioner's actual service requires to be reckoned from 21.05.1974, till date of superannuation, ie., 31.08.2007, without any break in service. While doing so, the petitioner's claim for superannuation pension requires to be favourably considered, since he has put in ten years of qualifying service under Rule 16 of the Tamil Nadu State Transport Corporation Employees Pension Fund Trust Rules, 1971.

4.In this background, there shall be a direction to the respondents to pass orders, granting full pension to the petitioner, by treating his entire period of



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service from 21.05.1974 till the date of superannuation, ie., 31.08.2007, together with arrears of pension. Such orders shall be passed within a period of four (4) weeks from the date of receipt of a copy of this order. This Writ Petition stands allowed accordingly. There shall be no order as to costs.

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(2/2)

Index : Yes / No
Internet : Yes / No
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- 2.The Administrator,
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M.S.RAMESH, J.

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Order made in
W.P.(MD)No.2228 of 2018
(2/2)

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