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W.P.No.10043 of 2013

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 22.06.2023

CORAM:

THE HONOURABLE JUSTICE Mr.V.LAKSHMINARAYANAN

W.P.No.10043 of 2013

and

M.P.No.1 of 2013

C.Perumal (Deceased)

2.Yellammal

3.U.Saraswathi

4.P.Kumar

5.P.Veera Raghavan

...Petitioners

Vs.

1.The Administrator,

Tamil Nadu State Transport Corporation Employees' Pension Fund,

Pallavan Salai,

Chennai – 600 002.

2.Tamil Nadu State Transport Corporation Limited,

(Old Name M.G.R. Transport Corporation Ltd.)

rep. by its Managing Director,

Vellore.

...Respondents.

[Petitioner Nos.2 to 5 substituted as Lrs of deceased sole petitioner vide order dated 22.06.2023 made in W.M.P.No.21827 of 2022 in W.P.No.10043 of 2013 by VLNJ]

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue writ of mandamus to direct the 1st respondent to sanction and pay pension to the petitioner with effect from 30.06.2005, the date of retirement as per the Tamil Nadu State Transport Corporation Employees Pension Fund



W.P.No.10043 of 2013

Rules by issuing a writ of mandamus and to pass such further or other orders in the nature of writ or direction.

For Petitioners : Mr.V.S.Jagadeesan
For Respondents :
For R1 : Mr.C.S.K.Satish
For R2 : Mr.M.Aswin

ORDER

The petitioner joined the service as conductor on 22.05.1973 in the Pallavan Transport Corporation. He was dismissed from service on 23.02.1985 and was reinstated as a fresh recruit on 16.03.1987. Yet again, he was dismissed from service on 15.05.1995, which he challenged before the Labour Court.

2.The II Additional Labour Court, Chennai in I.D.No.269 of 1996 dated 30.01.2000 set aside the award of dismissal and reinstated the writ petitioner in service with continuity of service but refused to grant backwages.

3.The writ petitioner retired from service on 30.06.2005. He sought for pension which was denied. Hence, he has filed this writ petition.

4.Mr.Aswin, learned counsel for R1 would submit that the writ petitioner had not completed the qualifying service because he had been dismissed from service i.e., 15.05.1995 to 26.02.2001. Therefore, he would



W.P.No.10043 of 2013

submit for this period it cannot be treated as qualifying service.

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6.Therefore,

(i) The writ petition stands allowed.

(ii) The writ petitioner shall pay to the 1st respondent the dues for a period of 5 years together with interest if any, the 2nd respondent shall charge the interest as it was charging on the date on which he was dismissed till the date he was reinstated for the purpose of calculating the same.

(iii). The aforesaid exercise shall be completed within a period of twelve (12) weeks from the date of receipt of copy of this order.

7.With the above, this writ petition stands allowed. No costs. Connected Miscellaneous Petition is closed.



W.P.No.10043 of 2013

22.06.2023

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Index : Yes/No
Speaking : Yes/No
Neutral Citation Case: Yes/No

V.LAKSHMINARAYANAN,J
nst

To:

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Chennai – 600 002.
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W.P.No.10043 of 2013

22.06.2023
(1/2)