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W.P.No.12067 of 2012

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.09.2023

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.12067 of 2012 and
MP.Nos.1 & 2 of 2012

A.Girijabai

... Petitioner

Vs.

- 1.Tamilnadu State Transport Corporation (Villupuram) Ltd.,
Rep. By its Managing Director,
Vazhuthareddy, Villupuram
- 2.The General Manager,
Tamilnadu State Transport Corporation (Villupuram) Ltd.,
Vellore Region,
Vellore 632 009
- 3.The Administrator,
Tamilnadu State Transport Corporations Employees Pension Trust,
Pallavan Salai,
Chennai 600 002

... Respondents

PRAYER : Writ petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus calling for the records pertaining to the order dated 19.09.2011 in letter No.1005/P2/TNSTC EPFT/2011-9476 and the order dated 21.10.2011 in Letter No.403/L2/TNSTC/EPFT/2011-9592 issued by the third respondent, quash the same and consequently direct the third respondent



W.P.No.12067 of 2012

to sanction and pay the petitioner full monthly pension with effect from 01.09.2010 every month together with interest at the rate of 18%, award costs.

For Petitioner : Mr.V.Ajoy Khose

For Respondents

For R1 & 2 : Mr.M.Ashwin,
Standing Counsel

For R3 : Mr.C.S.K.Sathish

ORDER

This writ petition has been filed challenging the orders of the third respondent dated 19.09.2011 and 21.10.2011 thereby rejected the sanction of full pension with effect from 01.09.2010.

2. Heard, the learned counsel appearing on either side.

3. The petitioner was appointed as Sweeper by order dated 04.02.1998 on compassionate ground. She had joined duty on 13.02.1998. She was paid consolidated salary. However, her service was regularised only with effect from 19.02.2001 and she was brought into time scale of pay. Thereafter, she retired from service on attaining age of



W.P.No.12067 of 2012

superannuation on 31.08.2010. However, the petitioner was denied pension on the ground that she did not complete service of 10 years. However, she completed 9 years and 6 months of service.

4. Rule 13(a) of Chapter VI of the Tamilnadu State Transport Corporation Employees Pension Rules specifies that *in the case of 'New Entrant' entering into service on or after 1.9.1998, the 'actual service' shall be treated as eligible service. The total actual service shall be rounded off to the nearest year. The fraction of service for six months or more than shall be treated as one year and the service less than six months shall be ignored.*

5. In the case on hand, the service of the petitioner was taken as 9 years and six months. Therefore, it shall be rounded off as per the above Rules. In view of the same, the impugned orders of the third respondent dated 19.09.2011 and 21.10.2011 are quashed and this writ petition is allowed. The third respondent is directed to sanction and pay full monthly pension with effect from 01.09.2010 along with all arrears



W.P.No.12067 of 2012

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within a period of twelve weeks from the date of receipt of copy of this order. Consequently, connected miscellaneous petitions are closed. There shall be no order as to costs.

15.09.2023

Internet: Yes
Index: Yes/No
Speaking/Non-speaking order
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W.P.No.12067 of 2012

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To

- 1.Managing Director,
Tamilnadu State Transport
Corporation (Villupuram) Ltd.,
Vazhuthareddy, Villupuram
- 2.The General Manager,
Tamilnadu State Transport
Corporation (Villupuram) Ltd.,
Vellore Region,
Vellore 632 009
- 3.The Administrator,
Tamilnadu State Transport Corporations Employees
Pension Trust,
Pallavan Salai,
Chennai 600 002
- 4.The Government Advocate,
High Court, Madras.



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W.P.No.12067 of 2012

G.K.ILANTHIRAIYAN, J.

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W.P.No.12067 of 2012

15.09.2023