



W.P.No.15109 of 2013

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.09.2023

CORAM:

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

W.P.No.15109 of 2013

V.Shanmugavel

... Petitioner

Vs.

1.The Managing Director,
Tamilnadu State Transport
Corporation (Villupuram),
Vazhuthareddy, Villupuram

2.The General Manager,
Tamilnadu State Transport
Corporation (Villupuram),
Vellore Region,
Rangapuram,
Vellore 9

3.Tamilnadu State Transport Corporations Employees
Pension Fund Trust,
Rep. By its Administrator,
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 Declaration declaring that the action of the respondents in not counting the petitioner's entire service from the date of his appointment to the date of his superannuation for sanction and payment of monthly pension and commuted value of



W.P.No.15109 of 2013

pension under the Tamilnadu State Transport Corporation Employees Pension Fund Rules as illegal and consequently direct the respondents to sanction and pay him monthly pension and commuted value of pension by counting his entire service from the date of his appointment to the date of his superannuation and also to pay him the arrears of monthly pension payable under the Post Retirement Service for the period from 01.12.2007 to July 2012, together with interest at the rate of 18% per annum, 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 for declaration declaring that the action of the respondents in not counting the petitioner's entire service from the date of his appointment to the date of superannuation for sanction and payment of monthly pension as illegal.

2. Heard, the learned counsel appearing on either side.
3. The petitioner entered into service of respondents 1 & 2 as



W.P.No.15109 of 2013

Driver on 15.12.1977. After completion of training period, he was appointed on daily rated basis as Driver on 08.07.1978. He was made permanent and he was transferred to Pattukottai Azhagiri Transport Corporation, in which he was absorbed with continuity of service. While being so, he was dismissed from service by order dated 09.09.1983. Therefore, he raised Industrial Dispute in ID.No.62 of 1982. Pattukottai Azhagiri Transport Corporation also filed petition to approve the order of dismissal under Section 33(2)(b) of Industrial Disputes Act. The Industrial Tribunal dismissed the approval petition. Aggrieved by the same, a writ petition was filed and the same was also dismissed by this Court by an order dated 21.04.1995 in WP.No.11316 of 1984. Even then, the said Corporation did not pay any backwages and other attendant benefits from the date of his dismissal till the date of his reinstatement. Therefore, the petitioner filed computation petition in CP.No.9 of 1996. It was allowed by the Labour Court by order dated 03.02.1998. Thereafter, he was paid all backwages and all attendant benefits as computed by the Labour Court. In the meanwhile, the petitioner was reinstated into service on 05.06.1995 and he retired from



W.P.No.15109 of 2013

service on 30.11.2007 on attaining the age of superannuation. However, the respondents deducted 1/3 of his monthly pension towards commuted value of pension. Therefore, the petitioner made representation dated 16.11.2010. In fact, the petitioner was not paid monthly pension under the Post Retirement Scheme from 01.12.2007 to July 2012.

4. In view of the above, the respondents are directed to count the petitioner's entire service from the date of his appointment till the date of superannuation for sanction and payment of monthly pension and the commuted value of pension and also to pay arrears of monthly pension payable under the Post Retirement Scheme for the period from 01.12.2007 to July 2012, in accordance with law within a period of twelve weeks from the date of receipt of copy of this order.

5. With the above direction, this writ petition is allowed. There shall be no order as to costs.

15.09.2023

Internet: Yes
Index: Yes/No
Speaking/Non-speaking order
lok



W.P.No.15109 of 2013

To
WEB COPY

- 1.The Managing Director,
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- 2.The General Manager,
Tamilnadu State Transport
Corporation (Villupuram),
Vellore Region,
Rangapuram,
Vellore 9
- 3.Administrator,
Tamilnadu State Transport Corporations Employees
Pension Fund Trust,
Pallavan Salai,
Chennai 600 002
- 4.The Government Advocate,
High Court, Madras.

G.K.ILANTHIRAIYAN, J.



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W.P.No.15109 of 2013

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W.P.No.15109 of 2013

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