



Writ Petition No.2130 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.01.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition No.2130 of 2023

R.Natarajan
S/o.(Late) P.Raman

... Petitioner

Vs.

1.M/s.State Express Transport Corporation,
represented by its Managing Director,
No.2, Pallavan Salai,
Chennai - 600 002.

2.M/s.Tamil Nadu State Transport Corporation,
Employees' Pension Fund Trust,
represented by its Administrator,
No.2, Pallavan Salai, Chennai - 600 002.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, seeking for a Writ of Mandamus directing the respondents to take the entire services of the petitioner from 01.12.1990 to 31.05.2022 as continuous one for calculation of pension and consequently, revise the pension from July 2022 by considering the representation of the petitioner dated 09.12.2022 in the light of the orders passed by this Court in the similar cases in W.P.No.13948 of 1997 dated 27.07.1999 and W.P.No.2187 of 1993 dated 31.01.2000 and in view of regularization



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order passed by the first respondent regularizing the petitioner's service w.e.f 01.12.1990 vide order No.51/26973/A4/SETC/93 dated 05.10.2000.

For Petitioner : Mr.D.Soundar Raj

For Respondents : Mr.S.Sivasubramani
Standing Counsel [R1]

ORDER

This writ petition has been filed for issuance of a writ of mandamus directing the respondents to take the entire services rendered by the petitioner from 01.12.1990 to 31.05.2022 and calculate pension and pay the attendant benefits.

2. The case of the petitioner is that he joined as Helper Trainee on 26.11.1986 with a condition that he will work for a period of four years on consolidated wages and on completion of the four years training, he will be appointed on monthly cadre. However, on completion of four years training, instead of regularizing his services, the petitioner was continued on consolidated wages till 30.11.1990. Only thereafter, his services were regularized.



3. Some of the trainees, who were similarly placed, approached this Court by filing W.P.No.13948 of 1997 with a prayer to regularize their service with effect from 01.09.1990. This Court, by order dated 27.07.1999, directed the Corporation to regularize their services. Acting upon the said order, the Corporation took steps to regularize the services of the persons, who were similarly placed with effect from 01.12.1990 by order dated 05.10.2000.

4. There was a settlement arrived at u/s.12(3) of the Industrial Disputes Act, 1947 and it was agreed by the workmen that for the period from 01.12.1990 to 05.10.2000, 50% of the back wages will be received by them. The petitioner also received 50% of the back wages for the said period.

5. The petitioner ultimately attained superannuation and retired from service with effect from 30.06.2022.

6. The grievance of the petitioner is that the respondents had not taken into account the services rendered from 01.12.1990 to 04.10.2000 and as a result, only 22 years of service was taken into



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consideration instead of 32 years. Hence, according to the petitioner, he is receiving a lesser pension.

7. The petitioner made a representation in this regard on 09.12.2022 and since the same was not considered, the present writ petition has been filed seeking for appropriate direction.

8. Heard Mr.D.Soundar Raj, learned counsel for petitioner and Mr.S.Sivasubramani, learned Standing Counsel, appearing for the first respondent.

9. Taking into consideration the limited relief sought for in this writ petition and without going into the merits of the case, there shall be a direction to the respondents to consider the representation made by the petitioner on 09.12.2022 and deal with the same on its own merits and in accordance with law and pass appropriate orders within a period of eight (8) weeks from the date of receipt of a copy of this order. The petitioner is directed to make a fresh representation to the respondents along with all relevant documents and also a copy of this order.



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Accordingly, this Writ Petition is disposed of with the above

direction. No costs.

30.01.2023

Neutral Citation: Yes/No

Index: yes/no

Speaking Order/Non-Speaking Order

gm

To

1.The Managing Director,
M/s.State Express Transport Corporation,
No.2, Pallavan Salai,
Chennai - 600 002.

2.The Administrator,
M/s.Tamil Nadu State Transport Coporation,
Employees' Pension Fund Trust,
No.2, Pallavan Salai, Chennai - 600 002.



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N.ANAND VENKATESH, J

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