



W.A(MD)No.155 of 2018

WEB COPY **BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED : 01.03.2023

CORAM:

**THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN
AND
THE HON'BLE MR JUSTICE K.K.RAMAKRISHNAN**

**W.A(MD)No.155 of 2018
and
C.M.P(MD)No.810 of 2018**

The General Manager,
Tamil Nadu State Transport Corporation Limited,
Karaikudi Region,
Managiri Road,
Karaikudi-630 307,
Sivagangai District.

... Appellant

.Vs.

1.R.Shanmugalakshmi (Died)
2.The Administrator,
The Tamilnadu State Transport Corporation,
Pension Fund Trust,
Thiruvalluvar House,
Pallavan Salai,
Chennai-600 002.

(R2 is impleaded as party respondent
in this appeal vide Court order
dated 15.09.2000)



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3.Rajalakshmi

4.Revathi

5.Dhanalakshmi

6.Aathilakshmi

7.Jeyalakshmi

(Respondents 3 to 7 are impleaded as Lrs of the
deceased 1st respondent vide Court Order
dated 01.02.2023)

... Respondents

PRAYER: Writ Appeal filed under Clause 15 of the Letters Patent Act, to set aside the order passed in W.P(MD)No.11789 of 2011, dated 02.11.2016 and allow the writ appeal.

For appellant	: Mr.D.Sivaraman
For R3 to R7	: Mr.K.Rajeshwaran
For R2	: Mr.S.C.Herold Singh

ORDER

DR.G.JAYACHANDRAN,J.

AND

K.K.RAMAKRISHNAN,J.

Mrs.R.Shanmugalakshmi, who was appointed on compassionate ground as a sweeper in the Tamil Nadu State Transport Corporation Limited on 13.06.2001 retired on 28.02.2011, sought for pension, but the same was denied on the ground that she has not completed 10 years of qualifying service. Therefore, she filed a writ petition in W.P(MD)No.11789 of 2011 challenging the rejection order since



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it is a contrary to Rule 13 of the Tamilnadu State Transport Corporation Pension Fund Rules.

2. The said writ petition was allowed by the learned Single Judge of this Court on 02.11.2016 applying the principles of rounding off as explicitly been provided under Rule 13(1) of VI of the Rules specifies determination of eligible service under the Tamil Nadu State Transport Corporation Employees Pension Fund Rules and the dictum laid down by this Court in W.P(MD)No.6387 of 2011 dated 27.11.2014 and W.A(MD)No.809 of 2010, dated 16.01.2011. The said order is impugned in the writ appeal.

3. It is no more *res integra* applying the rounding off principles while computation of qualifying periods. In this case, the petitioner, who had completed 9 years 9 months and 24 days of service, is entitled for pension since her service to be rounded off to 10 years.

4. The department though took a stand that the petitioner is only entitled for DCRG to the tune of Rs.74,000/- even that money was not paid to her, till her death.

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5. In view of the above fact, the legal representatives of R.Shanmugalakshmi were brought on record vide order, dated 01.02.2023. The pensionary benefits accrued to the writ petitioner was not paid till her demise and therefore, the said amount shall be paid to the legal representatives of R.Shanmugalakshmi with a simple interest at the rate of 6% p.a. The legal representatives of the appellant Shanmugalakshmi shall share the monetary benefits equally. The said amount shall be paid within a period of three months from the date of receipt of a copy of this order.

6. This Court finds no error in the order of the learned Single Judge. Hence, the writ appeal is dismissed as devoid of merits. No costs. Consequently connected miscellaneous petition is closed.

[G.J.,J.] [K.K.R.K.,J.]
01.03.2023

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DR.G.JAYACHANDRAN, J.
and
K.K.RAMAKRISHNAN,J.

am

JUDGMENT MADE IN
W.A(MD)No.155 of 2018

01.03.2023