



W.A.(MD) No.1887 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: **30.10.2023**

CORAM

THE HONOURABLE **MR.JUSTICE S.M.SUBRAMANIAM**
AND
THE HONOURABLE **MR.JUSTICE V.LAKSHMINARAYANAN**

W.A.(MD) No.1887 of 2023
and C.M.P.(MD) No.14472 of 2023

1.The Management,
Tamil Nadu State Transport Corporation,
Rep. by its General Manager,
Division – 3,
Madurai (Nagercoil).

2.The General Manager,
Tamil Nadu State Transport Corporation,
Nagercoil Region,
Ranithottam Branch – III,
Nagercoil.

3.The Branch Manager,
Tamil Nadu State Transport Corporation,
Nagercoil Region,
Ranithottam Branch – III,
Nagercoil.

... Appellants/Respondents

-Vs.-

P.Rajinikanthan

... Respondent/Writ Petitioner

PRAYER:- Writ Appeal filed under Clause 15 of Letters Patent Act, to
set aside the order dated 11.01.2023 made in W.P.(MD)No.7154 of 2020
on the file of this Court.



WEB COPY



W.A.(MD) No.1887 of 2023

For Appellants : Mr.D.Jebaraj
Standing Counsel

For Respondent : Mr.G.Karthik

J U D G M E N T

(Judgment of the Court was delivered by **S.M.SUBRAMANIAM, J.**)

The Writ Appeal has been instituted against the order dated 11.01.2023, passed in W.P.(MD) No.7154 of 2020.

2. The respondent was employed in Tamil Nadu State Transport Corporation as a driver and he was removed from service on 07.04.1991. The respondent challenged the order of removal in W.P.(MD)No.944 of 2007 and this Court passed an order on 15.04.2013 and allowed the Writ Petition on the following terms:-

“10.In the result, the writ petition is allowed and the impugned award is set aside and the punishment of dismissal from service passed against the petitioner is set aside and the same is modified into an order of reinstatement without back wages, but with continuity of service. On the petitioner being reinstated in service, he shall be sent for course on safe driving in the respondent Transport Corporation or sent to the Institute



W.A.(MD) No.1887 of 2023

WEB COPY

of Road Transport for a minimum period of one month and it is only thereafter, the petitioner shall be permitted to drive the bus of the first respondent Corporation.”

The said order became final. Since the appellants have refused to settle the pensionary benefits, the respondent filed the Writ Petition in W.P. (MD) No.7154 of 2020. Learned Single Judge, considering the fact that the order of removal was set aside by this Court without back wages but with continuity of service, granted the relief of pension in favour of the respondent.

3. Learned Standing Counsel for the appellants mainly contended that the respondent was not in service and more so not completed the minimum services of 10 years as contemplated under the Pension Rules.

4. The said contention is devoid of merits in view of the fact that the learned Judge in W.P.(MD) No.944 of 2007 unambiguously stated that the order of dismissal from service was set aside and the respondent was reinstated into service without back wages, but with continuity of service. Since the benefit of continuity of service was



W.A.(MD) No.1887 of 2023

granted, the respondent is entitled for pension and the interregnum period is to be reckoned as qualifying services for the purpose of calculating the pensionary benefits. Accordingly, the appellants are bound to settle the pensionary benefits by calculating the same as per the order of the learned Single Judge.

5. Accordingly, the order impugned order dated 11.01.2023, passed in W.P.(MD) No.7154 of 2020, is confirmed and consequently, the Writ Appeal is dismissed. No costs. Consequently, connected Civil Miscellaneous Petition is closed.

**[S.M.S.J.,] & [V.L.N.J.,]
30.10.2023**

NCC :Yes/No
Index :Yes/No
SJ



WEB COPY



W.A.(MD) No.1887 of 2023

S.M.SUBRAMANIAM, J.
AND
V. LAKSHMINARAYANAN, J.

SJ

W.A.(MD) No.1887 of 2023

30.10.2023