



W.A.(MD)No.1486 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.09.2024

CORAM:

**THE HONOURABLE MR.JUSTICE P.VELMURUGAN
AND
THE HON'BLE MR.JUSTICE K.K.RAMAKRISHNAN**

**W.A.(MD)No.1486 of 2024
and
C.M.P.(MD)No.11532 of 2024**

1. The Tamil Nadu State Transport
Corporation (Kumbakonam) Ltd.,
Rep. by its Managing Director,
Kumbakonam.
2. The General Manager,
The Tamil Nadu State Transport
Corporation (Kumbakonam) Ltd.,
Kumbakonam Region,
Kumbakonam.
3. The Administrator,
The Tamil Nadu State Transport
Corporation Pension Fund Trust,
Thiruvallurvar Illam,
Pallavan Salai,
Chennai – 2.

... Appellants

versus



W.A.(MD)No.1486 of 2024

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S.Kannan

... Respondent

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent, praying to set aside the order passed in W.P.(MD)No.15585 of 2022 dated 03.08.2023.

For Appellants : Mr.SC.Herold Singh

For Respondent : Mr.A.Rahul

JUDGMENT

(Judgment of the Court was delivered by **P.VELMURUGAN, J.**)

The respondent herein filed a writ petition in W.P.(MD)No.15585 of 2022 before the Writ Court, challenging the order passed by the second respondent dated 15.06.2021, rejecting his claim for pension for the reason that he did not work after 01.09.1998. The learned Single Judge, after hearing both sides, found that the petitioner was allowed to continue as a staff of the Transport Corporation, even after the cut-off date, i.e. 01.09.1998. Therefore, the learned Single Judge, by order dated 03.08.2023, quashed the impugned order dated 15.06.2021 and directed the respondents therein to pay the petitioner with monthly pension together with arrears payable from



W.A.(MD)No.1486 of 2024

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28.09.1998 with interest at the rate of 6% per annum from the date of his retirement till the date on which the amounts are likely to be settled within a period of twelve weeks from the date of receipt of a copy of the order. Challenging the same, the respondents therein have filed this intra Court Appeal.

2. The learned counsel appearing for the appellants submits that the respondent herein has got voluntarily retirement prior to the cut-off date i.e. 01.09.1998 and therefore, he is not entitled for the benefits.

3. But, a perusal of records filed by the appellants shows that the respondent herein was allowed to continue in service on 01.09.1998 and his medical leave was also approved even after the period of 01.09.1998. Since the respondent herein was continued to be in service even after 01.09.1998, this Court does not find any reason to interfere with the order passed by the learned Single Judge in W.P.(MD)No.15585 of 2022 dated 03.08.2023.



W.A.(MD)No.1486 of 2024

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4. Accordingly, this Writ Appeal is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

[P.V.,J.] [K.K.R.K.,J.]
30.09.2024

NCC : Yes/No
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W.A.(MD)No.1486 of 2024

P.VELMURUGAN, J.
and
K.K.RAMAKRISHNAN, J.

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Judgment made in
W.A.(MD)No.1486 of 2024

30.09.2024