



W.P.(MD).No.12798 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.06.2024

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD).No.12798 of 2024

Vijayaganth

... Petitioner

Vs

1. The Managing Director,
Tamil Nadu State Transport Corporation (Kmb) Ltd.,
27, New Railway Station Road,
Kumbakonam-612 001.

2. The Administrator,
Tamil Nadu State Transport Corporation
Employees Pension Fund Trust,
Thiruvalluvar Illam, Pallavan Salai,
Chennai-2.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to take the petitioner's service as Noon Meal Organizer for period of 11 years along with 13 years of service as conductor in respondent corporation, in total 11 plus 13 is equal to 24 years of continuity of service and disburse the balance remaining 11 years period of terminal benefits, pension and arrears along with



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6 percentage of interest on the basis of the petitioner representation, dated 29.10.2022, within the time stipulated by this Court.

For Petitioner : Mr. K.Gokul

For Respondents : Mr.K.Ramaiah (R1)
Mr.S.C.Herold Singh (R2)
Standing Counsels

ORDER

Heard Mr.K.Gokul, learned counsel appearing for the petitioner, Mr.K.Ramaiah, learned Standing Counsel appearing for R1 and Mr.S.C.Herold Singh, learned Standing Counsel appearing for R2.

2.The petitioner has filed this writ petition seeking for a direction to the respondents to take the petitioner's service as a Noon Meal Organizer for a period of 11 years along with 13 years of service as conductor in respondent corporation, in total 11 plus 13 is equal to 24 years of continuity of service and disburse the balance remaining 11 years period of terminal benefits, pension and arrears along with 6 % of interest on the basis of the petitioner representation, dated 29.10.2022.

3.The petitioner has been working as a Noon Meal Organizer for a period of 11 years from 1996 to 25.10.2006. On 26.10.2006, the petitioner has



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been joined as a Conductor in the respondent Corporation. The petitioner's pension has been calculated by computing service only for 13 years from the date when he had joined as Conductor in the respondent Corporation. The petitioner has filed this writ petition seeking to add half of the service rendered by him in the capacity as Noon Meal Organizer from 1996 to 25.10.2006 as Noon Meal Organizer.

4.In order to consider the past service of the employee in their non-provincialised service, consolidated pay, honorarium or daily wages basis, the Government has issued G.O.Ms.No.408, Finance (Pension) Department, dated 25.08.2009. In that Government Order, it is stated that half of the past service rendered by the employees, who were absorbed permanently on or before 01.04.2003, will be added as qualifying service for pensionary benefits. In this regard, subsequently G.O.Ms.No.41, Finance (Pension), Department, dated 09.02.2010 also been issued to amend the pension rule to this effect. Accordingly, the Rule 11(4) was amended as under:

AMENDMENT

“In the said Rules, in rule 11, after sub-rule (3), the following sub-rule shall be added, namely:-



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“(4) Half of the service rendered under the State Government in non-provincialised service, consolidated pay, honorarium or daily wages basis on or after 1st January, 1961 in respect of Government employees absorbed in regular service before 1st April, 2003 shall be counted for retirement benefits along with regular service, subject to the following conditions, namely:-

(i). Service rendered in non-provincialised service, consolidated pay, honorarium or daily wages basis shall be in a job involving whole time employment;

(ii). Service rendered shall be on consolidated pay, honorarium or daily wages paid on monthly basis and subsequently absorbed in regular service under the State Government;

(iii). Service rendered in non-provincialised service, consolidated pay, honorarium or daily wages basis shall be followed by absorption in regular service before 1st April 2003 without a break. Provided that this sub-rule is applicable to all employees who rendered service under the State Government in non-provincialised service, consolidated pay honorarium or daily wages basis on or after 1st January 1961 and absorbed in regular service before 1st April 2003.

Provided further that wherever there was break in service before their absorption in regular service before 1st April 2003, the same shall be specifically condoned by the orders of the Head of Departments, in which, the employees were regularly absorbed and such period of break, shall not count for the purpose of pensionary benefits”



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5. In view of the above amendment, half of the past service rendered by the petitioner as a Noon-meal organizer before 01.04.2003 (ie., from 1996 to 31.03.2003) shall be counted along with the qualifying service for the purpose of pensionary benefits.

6. In view of the above discussion, this writ petition stands disposed of by directing the respondents to consider the petitioner's application, dated 29.10.2022 and pass appropriate orders to include half of the petitioner's service rendered from 1996 to 31.03.2003 as a Noon-meal organizer on daily wage basis, as qualifying service for pensionary benefits, within a period of four weeks from the date of receipt of a copy of this order.

7. With the above direction, this writ petition stands disposed of.
There shall be no order as to costs.

18.06.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes
PNM



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R.N.MANJULA, J.

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