



W.P.(MD).No.25461 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 29.10.2024

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.25461 of 2024

K.Tamil Maran

... Petitioner

Vs.

1. The Managing Director,
Tamil Nadu State Transport Corporation
Limited,
No.27, New Railway Station Road,
Kumbakonam.

2. The General Manager,
Tamil Nadu State Transport Corporation,
Kumbakonam Limited,
Trichy Region,
Priyamilaguparai,
Trichy District.

3. The General Manager,
Tamil Nadu State Transport Corporation,
Trichy, Trichy District.

4. The Administrator,
Tamil Nadu State Transport Corporation,
Employee's Pension Fund Trust,
Thiruvalluvar House,
Pallavan Salai, Chennai.

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondent to revise the pensionary benefits of the petitioner by calculating the entire service of the petitioner i.e., from 26.12.1986 to 30.06.2017 and consequently direct the respondents to pay the revised pension payable to the petitioner along with arrears and interest.

For Petitioner : Mr.M.Gnana Guru Nathan

For R1 to R3 : Mr.K.Ramaiah
Standing Counsel

For R4 : Mr.S.C.Herold Singh
Standing Counsel

ORDER

The instant writ petition has been filed by a retired employee of the respondent Transport Corporation, seeking a Mandamus directing the respondents to revise the pensionary benefits of the writ petitioner.

2. According to the learned counsel appearing for the writ petitioner, based upon a charge memo, the petitioner was dismissed from service on 17.01.1998. The petitioner had challenged the dismissal order by filing I.D.No.96 of 2000, before the Labour Court, Tiruchirappalli. The Labour



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Court was pleased to dismiss the ID. Challenging the same, the petitioner has filed W.P(MD) No.4216 of 2010 before this Court. The writ petition was allowed on 25.04.2013, wherein the order of dismissal was set aside and the Management was directed to reinstate the petitioner with continuity of service with 30% of backwages. This order was put to challenge by the Workmen as well as by the Management in W.A.(MD) Nos.633 and 838 of 2014. The Hon'ble Division Bench of this Court was pleased to dismiss the writ appeal filed by the workman and allowed the writ appeal filed by the Management and set aside the order directing payment of 30% backwages. This order has become final.

3. Pursuant to the orders of the Hon'ble Division Bench of this Court that the petitioner was reinstated into service on 14.05.2015 and the petitioner attained superannuation on 30.06.2017. It is the grievance of the writ petitioner that while he was reinstated in the year 2015, his pay scale was not fixed considering the continuity in service. His pay scale was fixed as if the appointment is a fresh appointment. Therefore, the present writ petition has been filed to revise the pensionary benefits of the petitioner by calculating the period during which the petitioner was out of employment.



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4. Considering the fact that the writ Court as well as the writ appellate Court have confirmed the reinstatement of the writ petitioner with continuity of service, the period of non-employment has to be treated as a duty period. The said period has to be calculated for pensionary benefits also.

5. In view of the above said facts, this Court is inclined to pass the following orders:

(i) The respondents 1 to 3 herein are directed to treat the period between 26.12.1986 and 30.06.2017 for pensionary benefits and calculate the pension and other terminal benefits by taking into account the above said period;

(ii) The respondents 1 and 2 herein are directed to pay their employer's contribution to the fourth respondent for the non-employment period namely, from 17.01.1998 to 13.05.2015, so that, the pension amount could be revised and the revised pension would be issued to the writ petitioner;

(iii) On payment of the employer's contribution by the respondents 1 to 4, the fourth respondent shall disburse the revised pensionary benefits to the writ petitioner within a period of twelve weeks from the date of receipt of a copy of this order; and



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(iv) The arrears of pension shall be disbursed by the fourth respondent to the petitioner within a period of six months from the date of receipt of a copy of this order.

6. With the above said observations, this Writ Petition stands allowed to the extant as stated above. There shall be no order as to costs.

29.10.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
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To

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R.VIJAYAKUMAR,J.

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