



W.P.No.10041 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.02.2025

CORAM

THE HONOURABLE Ms.JUSTICE R.N.MANJULA

W.P.No.10041 of 2018

Sivakumar,
S/o. Sengoda Goundar,
5/120 M.B.T.R.Nagar,
Masinayakkanpatti,
Ayothiyapattinam Post,
Salem – 636 103.

... Petitioner

Vs.

1. The Managing Director,
Tamilnadu State Transport Corporation
(Salem) Limited,
12, Ramakrishna Salai,
Salem – 636 007.

2. The Administrator,
Tamil Nadu State Transport
Corporation Employees Pension Trust,
Administrative Office,
Thiruvalluvar House,
Pallavan Salai,
Chennai – 600 002.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for issuance of Writ of mandamus to direct the respondents to pay the difference in payment of gratuity, pension and commutation, at the revised rate of dearness allowance, taking into account of 30 years of service.



W.P.No.10041 of 2018

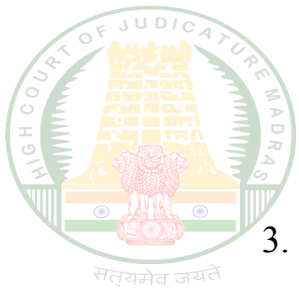
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For Petitioner : Mr.G.Pugazhenth
For R1 & R2 : Mr.M.Aswin
Standing Counsel for TNSTC

ORDER

The petitioner has filed this writ petition to direct the respondents to pay the difference in payment of gratuity, pension and commutation, at the revised rate of dearness allowance, taking into account of 30 years of service.

2. The petitioner was appointed as a Conductor in the respondent corporation on 21.09.1985 and he retired from service on 31.10.2017. During the course of his service he met with an accident and hence he was discharged from service by an order dated 26.12.1995 on medical grounds. At the time of discharge he was given with a sum of Rs.15,683/- as gratuity and thereafter in view of the settlement between himself and the corporation, he was reinstated in the service and given with an alternative employment on and from 13.07.1998. The period between 26.12.1995 and 22.04.1998 was out of employment. But the said period has not been included for the service benefits like gratuity and EPF of the petitioner post retirement. The representation given by the petitioner on 09.04.2018 in this regard was also not considered by the respondents so far.



W.P.No.10041 of 2018

3. It is learnt that so far no regularization order has been passed in

respect of the period during which the petitioner was out of employment.

Unless the petitioner's representation is considered and suitable order is passed, the petitioner may not be able to understand for what benefits will he be entitled to get subsequent to his retirement.

4. In view of the above observation, this writ petition is disposed by directing the second respondent to consider the representation of the petitioner dated 09.04.2018 and pass appropriate orders on merits, within a period of four weeks from the date of receipt of a copy of this order. No costs.

06.02.2025

Index : Yes/No

Neutral citation : Yes/No

Speaking Order/Non-Speaking Order

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To:

1. The Administrator,
Tamil Nadu State Transport
Corporation Employees Pension Trust,
Administrative Office, Thiruvalluvar House,
Pallavan Salai, Chennai – 600 002.



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W.P.No.10041 of 2018

R.N.MANJULA, J.

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W.P.No.10041 of 2018

06.02.2025