



IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 03.09.2025

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THE HONOURABLE **MR.JUSTICE SENTHILKUMAR RAMAMOORTHY**

W.P.No.9877 of 2020
and W.M.P.No.12002 of 2020

K.Kittusamy

... Petitioner

-VS-

1.Tamilnadu State Transport Corporation
(Coimbatore) Ltd.,
Rep. By its Managing Director,
37, Mettupalayam Road,
Coimbatore – 641 043.

2.The Chief Finance Officer,
Tamilnadu State Transport Corporation
(Coimbatore Division) Coimbatore Ltd.,
37, Mettupalayam Road,
Coimbatore – 641 043.

3.Tamilnadu State Transport Corporation's
Employees Pension Fund Trust,
Rep by its Administrator,
Thiruvalluvar Illam,
Pallavan Salai,
Chennai 600 002.

... Respondents



WEB COPY **PRAYER:** Writ Petition is filed under Article 226 of the Constitution of

India, pleased to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the order in Ref: L3 / WP 23858 /18 /Law1 / TNSTCE / CBE / 19, dated 19.01.2019 from the 2nd respondent, quash the same and consequently direct the respondents to pay the petitioner full pension, by taking petitioner qualifying service as 30 years from the date of his retirement, with arrears and other consequential benefits and to revise his dearness allowance from 01.01.2016 on par with the serving employees of the 1st respondent Corporation and to revise his basic pension and dearness allowance, as per the revision given in the settlement dated 04.01.2018, with all monetary and consequential benefits, with interest at the rate of 12% per annum.

For Petitioner : Ms.G.K.Dharshini
for M/s.V.Ajoykhose

For Respondents : M/s.A.Subdaravadhanam for R1 & R2
Mr.C.S.K.Sathish for R3



ORDER

WEB COPY The petitioner joined the services of the respondent corporation as a conductor on 19.05.1985 and retired from service on 30.06.2015. Upon retirement, initially a sum of Rs.15,141/- was sanctioned towards monthly pension. On 01.02.2016, such monthly pension was reduced from Rs.15,141 to Rs.14,621/-. In those circumstances, W.P.No.23858 of 2018 was filed by the petitioner and, by order dated 12.09.2018, this Court directed the respondent to consider and dispose of the petitioner's representation. The order impugned herein was issued pursuant thereto.

2. Learned counsel for the petitioner referred to the impugned order and contended that such order is unreasoned. By also referring to the counter affidavit of the first and second respondents, she points out that the reduction was made by reckoning qualifying service from the date of regularization. She submits that this was an erroneous approach by relying on a judgment of the Division Bench of this Court dated 12.11.2024 in *W.A.(MD).No.2202 of 2024, Tamil Nadu State Transport Corporation and 2 others v. M.R.Selvaraju*.



WEB COPY 3. Without prejudice to the merits of the matter, learned standing counsel for the respondents submits that the matter may be remanded for reconsideration on merits in view of the impugned order not disclosing reasons for the conclusion therein.

4. The operative paragraphs of the impugned order are as under:

“In this regard we wish to inform that based on your last drawn salary and service certificate your eligible service period was arrived as 29 years and monthly pension was calculated as Rs.15141/- and paid to you.

Further while on verification it is found that there is some non qualifying service period in your service and accordingly based on that the eligible service period was revised as 28 years and subsequently the pension was reduced as Rs.14621/- and the same was paid to you.”

5. On perusal of the order, the reasons for concluding that there was some non-qualifying service period cannot be discerned. It is trite that the order cannot be supported by way of reasons set out in the counter affidavit



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or otherwise. Because the order is non speaking, the same cannot be sustained and is hereby set aside.

6. As a corollary, the matter is remanded for reconsideration to the first and second respondents. After providing a reasonable opportunity to the petitioner, a speaking order shall be issued by the respondents within ***four weeks*** from the date of receipt of a copy of this order. While undertaking reconsideration, the respondents shall take into account earlier orders of this Court, including the order referred to by learned counsel for the petitioner.

7. W.P.No.9877 of 2020 is disposed of on the above terms. No costs. Consequently, the connected writ miscellaneous petition is also closed.

03.09.2025

rna

Index : Yes / No

Internet : Yes / No

Neutral Citation: Yes / No



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SENTHILKUMAR RAMAMOORTHY,J

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