



W.P.No.15088 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.02.2025

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.No.15088 of 2018

P.Ganesan

... Petitioner

Vs.

1.The Managing Director,
Tamil Nadu 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 filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus to direct the respondents to regularise the service of the petitioner with effect from 21.02.1998, the date of original appointment and disperse all the retirement benefits including pension taking into account of entire service of 20 years under the respondent Corporation with interest.

For Petitioner : Mr.G.Pugazhenth

For Respondents : Mr.M.Ashwin for R1
Mr.C.S.K.Sathish for R2



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ORDER

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This Writ Petition has been filed to issue a Writ of Mandamus to direct the respondents to regularise the service of the petitioner with effect from 21.02.1998 (date of original appointment) and disperse all the retirement benefits including pension taking into account of the entire service of 20 years under the respondent Corporation with interest.

2. Heard Mr.G.Pugazhenth, learned counsel for the petitioner, Mr.M.Ashwin, learned counsel for R1 and Mr.C.S.K.Sathish, learned counsel for R2 and perused the materials available on record.

3. The petitioner has been appointed as a Training Driver by an order dated 02.12.1997 in the first respondent Transport Corporation. He joined the said post on 27.01.1998. Thereafter, he was appointed as Driver on daily wages from 21.02.1998. The petitioner's services have been regularised on 01.09.2005 by absorbing him in the post of regular vacancy as Driver.

4. The learned counsel for the petitioner submitted that the



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petitioner is entitled to count his past service from 21.02.1998 till the date of his regularisation i.e., 01.09.2005, for his retirement benefits.

5. The learned Standing Counsel for the first respondent submitted that the date of entry of service of the petitioner can be considered only from 01.09.2005 and the petitioner retired from service due to his attaining the age of superannuation on 30.04.2018. Hence, the petitioner cannot claim the above benefit. It is further submitted that the petitioner comes under the contributory pension scheme and whatever contribution he has made alone has been paid to him.

6. In the counter of the respondents, it has been stated that the petitioner has been utilised as Casual Driver during certain emergencies during the year 1997. Thereafter, a Government Order was issued in G.O.No.463, Finance (CMPC Department) dated 23.11.2001, to ban fresh recruitments.

7. The fact remains that the petitioner has been appointed as per Section 12(3) settlement dated 31.08.2005 is not denied. So, the ban for



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recruitment will not have any impact on the petitioner's appointment which was done on 01.09.2005 as per 12(3) settlement. So far as regularising the past service of the petitioner is concerned, no Government Order in this regard has been produced. However, the respondents have not considered the petitioner's representation submitted in this regard so far in accordance with the merits of the matter.

8. In view of the same, this Writ Petition is disposed and the first respondent is directed to consider the representation of the petitioner dated 03.01.2018 and pass orders on merits and in accordance with law within a period of four weeks from the date of receipt of a copy of this order. No costs.

Index : Yes /No
Speaking / Non-speaking
Neutral Citation : Yes / No
gsk

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R.N.MANJULA, J.

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