

WEB COPY

WP No. 18321 of 2019



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08-04-2025

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THE HONOURABLE MS JUSTICE R.N.MANJULA

WP No. 18321 of 2019

1. N.Thalamuthu
S/o. T.Narayanan (Late) No.4/20,
Tholasampatti Post, Omalur, Salem
District.

Petitioner(s)

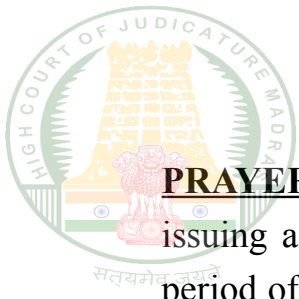
Vs

1. The Additional Chief Secretary,
Transport Department, Fort St. George,
Chennai - 600 009.

2.Managing Director,
Tamil Nadu State Transport
Corporation (Salem) Ltd., No.12,
Ramakrishna Salai, Salem - 636 007

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

Respondent(s)



PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuing a writ of mandamus to direct the respondent to count the pensionable period of service for which the contribution of the Petitioner was received from 23.11.1983 to 06.02.1996 along with the regular service spent from 29.01.2004 to 31.05.2017 for the purpose of counting the length of service and to grant the Pensionary benefits which includes monthly pension and commutation amount as well as the gratuity benefits all other retrial benefits and thus render justice.

For Petitioner(s): M/s.N.Desinghu

For Respondent(s): M/s.A.M.Ayyadurai
Government Advocate for R1

Mr.Aswin for R2

No appearance for R3

ORDER

This writ petition has been filed to direct the respondents to count the pensionable period of service for which the contribution of the Petitioner was received from 23.11.1983 to 06.02.1996 along with the regular service spent from 29.01.2004 to 31.05.2017, for the purpose of counting the length of service and to grant the Pensionary benefits which includes monthly pension and commutation amount as well as the gratuity benefits all other retrial benefits.

2. Mr.N.Desinghu, the learned counsel for the petitioner, submitted that the petitioner has been paying contribution towards pension during the period from 23.11.1983 to 06.12.1996 but that period has not been included along with



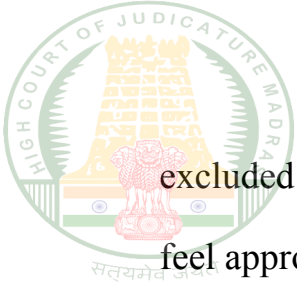
the regular service rendered by him from 29.01.2004 to 31.05.2017 for the purpose of counting the qualifying service for pension.

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3. Mr.Aswin, the learned Standing Counsel for the second respondent, submitted that as per the award of the Labour Court in I.D.No.6 of 1999 dated 09.07.2003, the petitioner was denied with the benefit of continuity of service and hence he is not entitled to claim any continuity of service during the relevant period for pensionary benefits.

4. On perusal of the award passed by the Labour Court in I.D.No.6 of 1999 dated 09.07.2003, it is seen that the petitioner has been dismissed on 07.02.1996 in view of his unauthorized absence. The said punishment was challenged by the petitioner by way of filing an Industrial Dispute. In the award passed on 09.07.2003 the Labour Court has set aside the punishment of removal from service and has passed an award for reinstating the petitioner however without any continuity of service and backwages. But the continuity of service as referred in the Award can only be interpreted for the period during which the petitioner was out of service. It is learnt that the petitioner was deprived to count his services rendered prior to his removal from service i.e. from 1983 to 07.02.1996.

5. As the award of the Labour Court does not state in any explicit terms that the petitioner's past services from the year 1983 to 07.02.1996 should be



excluded even for counting the qualified service for the purpose of pension, I feel appropriate direction be given to the respondents.

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6. The award of the Labour Court has denied continuity of service only for the period for which the petitioner was out of service. However the petitioner does not appear to have make any representation to the third respondent and has filed this writ petition directly by seeking writ of mandamus.

7. In view of the above observations, this writ petition is disposed and the petitioner is given with the liberty to give representation to the second respondent within a period of two weeks from the date of receipt of a copy of this order and on receipt of the same the second respondent shall take a call and pass order in view of the above observation. No costs.

08-04-2025

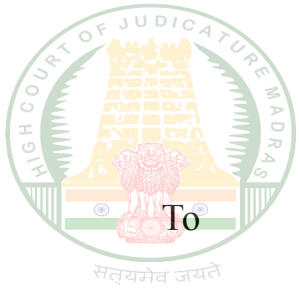
Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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To

1. The Additional Chief Secretary,
Transport Department, Fort St. George,
Chennai - 600 009.

2. Managing Director,
Tamil Nadu State Transport
Corporation (Salem) Ltd., No.12,
Ramakrishna Salai, Salem - 636 007

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



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R.N.MANJULA J.

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