



W.P.No.19561 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.04.2025

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.No.19561 of 2019

K.Anandan

... Petitioner

Vs.

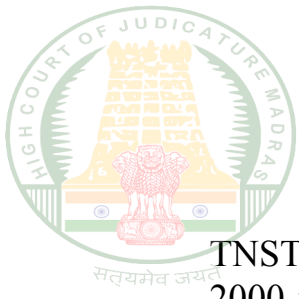
1.Tamil Nadu State Transport Corporation
(Villupuram) Ltd., Rep. by its.,
Managing Director,
3/137, Salamedu,
Villupuram 605 602.

2.The General Manager,
Tamil Nadu State Transport Corporation
(Villupuram) Ltd.,
Kancheepuram Region,
Chennai - Bangalore National
Highway, Ponnerikarai,
Kancheepuram 631 552.

3.Tamil Nadu State Transport Corporation
Employees' Pension Trust,
Rep. by its Administrator,
Thiruvalluvar Illam, Pallavan Salai,
Chennai - 2.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents to pay the petitioner commuted value of pension and monthly pension under the



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TNSTCE Pension Scheme 1998, by counting his entire service from June 2000 to 28.02.2019 as revised from time to time with arrears and other consequential benefits together with interest at the rate of 12% per annum.

For Petitioner : Mr.R.Krishnaswamy
For Respondents : Mrs.S.Pavithra for R1 and R2
No appearance for R3

ORDER

This Writ Petition has been filed to direct the respondents to pay the petitioner commuted value of pension and monthly pension under the TNSTCE Pension Scheme 1998, by counting his entire service from June 2000 to 28.02.2019 as revised from time to time with arrears and other consequential benefits together with interest at the rate of 12% per annum.

2. Heard Mr.R.Krishnaswamy, learned counsel for the petitioner, Mrs.S.Pavithra, learned counsel for R1 and R2 and perused the materials available on record.

3. The learned counsel for the petitioner submitted that the petitioner was a member to the provident fund from June 2000 and he



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was on the rolls of the first respondent Corporation as on 31.08.1998. He was paying the contribution to the pensionary fund every month from June 2000. Hence, the petitioner is entitled to monthly pension and commuted value of pension under the TNSTCE Pension Scheme, 1998.

4. The grievance of the petitioner is that the respondents have brought the petitioner under new contributory pension scheme and that is applicable for only those persons who have been appointed after the cut off date of 01.04.2003. It is claimed by the petitioner that he would fall under the old pension scheme as he has got his appointment before 01.04.2003. Attention was drawn to provident fund bill which would show the contributions recovered from both the employer and employee as early as in the year 2001. Basing on the above, it is claimed by the petitioner that he has got his regularisation even before 01.04.2003.

5. The learned Standing Counsel for the respondents 1 and 2 submitted that the petitioner was brought under regular service only on 01.09.2005.



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6. So it has to be clarified by the respondents as to how the contributions have been paid even before the alleged regularisation. So far as the petitioner is concerned, his claim is that his eligible service for pension should be reckoned as per rule 2 (p)(iii) of the Pension Scheme. As the representation of the petitioner was not considered so far in the light of the above Scheme and considering the fact that contributions have been made into EPF account of the petitioner even in the year 2001, I feel an appropriate direction has to be given to the respondents 1 to 3.

7. In view of the above stated reasons, this Writ Petition is disposed and the respondents 1 to 3 are directed to consider the representation of the petitioner and pass appropriate orders in the light of the above observations, 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

01.04.2025



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To

- 1.The Managing Director,
Tamil Nadu State Transport Corporation
(Villupuram) Ltd.,
3/137, Salamedu,
Villupuram 605 602.
- 2.The General Manager,
Tamil Nadu State Transport Corporation
(Villupuram) Ltd.,
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Highway, Ponnerikarai,
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- 3.The Administrator,
Tamil Nadu State Transport Corporation
Employees' Pension Trust,
Thiruvalluvar Illam, Pallavan Salai,
Chennai - 2.



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R.N.MANJULA, J.

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