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W.P.No.32305 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.08.2025

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THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No.32305 of 2025

V.Dayanithi

... Petitioner

Vs.

1.Tamil Nadu State Transport
Corporation Villupuram Ltd,
Rep By Managing Director, Salamedu Vilupuram,

2.General Manager
TN State Transport Corporation Villupuram Ltd,
Vellore Region, Rangapuram Vellore 9

The Administrator
TN State Transport Corporation Employees
Pension Fund Trust, Thiruvalluvar Illam Pallavans Alai,
Chennai 2

...Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India
praying for issuance of a writ of Mandamus, Directing the respondents to
calculate gratuity for the entire of 34 years and to calculate the petitioner
monthly pension for 30 years by taking his last drawn basic pay as
Rs.18950 plus 5400 GP and to pay him the difference in gratuity difference
in monthly pension from the date of his retirement the difference in



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commuted value of pension and the amount which was deducted towards the Employer contribution of PF pension contribution from the amount paid to him towards arrears of pension with interest at the rate of 12 percentage per annum and to pay him to correct revised monthly pension for his entire service every month.

For Petitioner : M/s.Ajoy Khose V

For Respondents : M/s.S.Pavithra, Standing Counsel
for R.1 & R.2

ORDER

The writ petition has been filed for the following reliefs:-

“Directing the respondents to calculate gratuity for the entire of 34 years and to calculate the petitioner monthly pension for 30 years by taking his last drawn basic pay as Rs.18950 plus 5400 GP and to pay him the difference in gratuity difference in monthly pension from the date of his retirement the difference in commuted value of pension and the amount which was deducted towards the Employer contribution of PF pension contribution from the amount paid to him towards arrears of pension with interest at the rate of 12 percentage per annum and to pay him to correct revised monthly pension for his entire service every month.”

2. The grievance of the petitioner is that though he had rendered 34



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years of total service and is entitled to full pension, however, while calculating his monthly pension and commuted value of pension the respondent has only taken 26 years of service which is totally contrary and violative of the TNSCTE Pension Rules.

3. From the narrative in the affidavit, it appears that the petitioner had earlier been made to approach this Court when he was denied promotion to the post of Junior Engineer wherein he had succeeded both before the Single Bench as well as the Division Bench which issued directions that the 1st respondent corporation should promote the petitioner. Ultimately, since the orders were not complied with the petitioner was compelled to file a contempt petition in Cont.P.No.2302 of 2024. At the time of hearing of the contempt petition the respondent corporation had filed a memo informing the Court that a notional promotion has been granted to the petitioner and a sum of Rs.1,8,611/- has been paid towards the difference of gratuity. Therefore, on 26.09.2024 the Contempt Petition was closed giving liberty to the petitioner to make representation to the respondents in case of any grievance.

4. The petitioner would submit that one Mr.Kotti (similarly placed



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person), whose promotion was used as the precedent for the petitioner obtaining promotion, was being paid more than that of the petitioner. The petitioner would submit that he is entitled to a basic pay of Rs.18,950/- + 5400 grade pay and if that pay is taken into consideration the DA, Gratuity and pension etc. would accordingly increase and that apart taking only 26 years of service for calculating the pension is absolutely erroneous.

5. The petitioner had vide his legal notice dated 11.01.2025 requested the respondents to recalculate the monthly pension, commuted value of pension and the nett pension by taking his last drawn basic pay as Rs.24,350/- and by taking the entire period of his service and by restricting it to 30 years and consequently, pay the correct monthly pension with corresponding DA and also pay him the difference of commuted value of pension. Though the same was received by the respondents, they have not taken steps to pass orders thereon. Hence, the Writ Petition.

6. Heard the learned counsel on either side.

7. In the light of the above narration of the facts it is clearly seen that the respondents have not correctly calculated the petitioner's years of service and the pension payable. Therefore, the Writ Petition is allowed.



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The respondents are directed to consider and pass orders on the representation (legal notice dated 11.01.2025) of the petitioner complying with the request of the petitioner within a period of one month from the date of receipt of a copy of this order. No costs.

25.08.2025

(shr)

Index : Yes/No

Speaking Order: Yes/No

Neutral Citation : Yes/No

To

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P.T. ASHA. J.,

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