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W.P.No.41259 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.10.2025

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.41259 of 2025 and
WMP.No.46195 of 2025

S.Periyadurai

... Petitioner

Vs.

1.THE SECRETARY,
HOME (TRANSPORT - II) DEPARTMENT FORT ST., GEORGE,
CHENNAI- 600 009.

2.THE TRANSPORT COMMISSIONER,
CHEPAUK, CHENNAI- 600 005.

3.THE GENERAL MANAGER,
TAMIL NADU STATE TRANSPORT CORPORATION,
(SALEM DIVISION- I) LTD.,
NO.12, RAMAKRISHNA ROAD, SALEM- 636 007.

4.THE REGIONAL TRANSPORT OFFICER,
TENKASI, TIRUNELVELI DISTRICT.

... Respondents

PRAYER:

Writ Petition is filed under Article 226 of Constitution of India
praying to issue a Writ of Certiorarified Mandamus calling for the records
relating to order passed by the 2nd respondent dated 26.08.2025 in Pro.



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R.No.40472/T1/2017 (E.O.NO.715/2025), quash the same and

consequently direct the respondents to sanction and pay the monthly pension and retirement benefits with statutory interest to the petitioner by counting the service rendered in 3rd respondent's office from 10.03.1984 to 02.04.2025 along with the service as Motor Vehicle Inspector Grade- I, II.

For Petitioner : Mr.M.Elango

For Respondents

For R1,2 & 4 : Mr.V.Jeevagiridharan,
Additional Government Pleader

For R3 : Mr.K.Raja,
Standing Counsel

ORDER

This writ petition has been filed challenging the order passed by the second respondent dated 26.08.2025 thereby rejecting the request made by the petitioner to count his past service rendered in Tamil Nadu State Transport Corporation, (Salem Division-I) Ltd., Salem along with the present Government service.



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2. The petitioner was initially appointed as Junior Engineer in the third respondent Corporation. Thereafter, he was promoted to the post of Assistant Engineer and Senior Assistant Engineer. On 02.04.2005, he resigned from the service on getting permission. Thereafter, the petitioner had applied for selection to the post of Motor Vehicle Inspector Grade-II. He joined duty in the post of Motor Vehicle Inspector Grade-II. After attainment of superannuation, the petitioner got retired. However, the petitioner's past service was not taken into consideration for his retirement benefits. Therefore, the petitioner submitted representation. However, it was rejected on the ground that the Rule does not permit the same.

3. The learned counsel for the petitioner would submit that similarly placed persons were granted relief by taking into their past services. He also produced the order before this Court.

4. It is seen that some of the similarly placed persons' past services were considered as qualifying service for pensionary benefits subject to the condition that pension and provident fund contribution, if any received by the individual for the past service, shall be remitted by the individual along with interest till date to the Government account.



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5. In view of the above, the impugned order cannot be sustained and the same is liable to be set aside. Accordingly, the impugned order dated 26.08.2025 is set aside and the aforementioned request of the petitioner is remanded back to the second respondent. Respondents 1 and 2 are directed to reckon the period of service rendered by the petitioner in the third respondent corporation from 10.03.1984 to 02.04.2025 along with the service as Motor Vehicle Inspector Grade- I, II for the purpose of calculation of pensionary benefits subject to the aforementioned condition and to pass orders to that effect within a period of eight weeks from the date of receipt of this order.

6. With the above direction, this writ petition stands allowed. Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.

31.10.2025

Neutral citation: Yes/No
Index: Yes/No
Speaking/Non-speaking order
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To

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3.THE GENERAL MANAGER,
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