



WEB COPY



W.P.No.40999 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.40999 of 2025 and
WMP.No.45960 of 2025

S.Balasubramaniam

... Petitioner

Vs.

1.THE STATE OF TAMIL NADU,
REP. BY PRINCIPAL SECRETARY TO GOVERNMENT,
HOME DEPARTMENT (TRANSPORT -II),
SECRETARIAT, FORT ST. GEORGE, CHENNAI-600 009.
2.THE ADDITIONAL CHIEF SECRETARY TO GOVERNMENT,
HOME (TR.IIA) DEPARTMENT, SECRETARIAT, CHENNAI-9.
3.THE TRANSPORT COMMISSIONER,
COMMISSIONERATE OF TRANSPORT AND ROAD SAFETY,
ANNASALAI, GUINDY, CHENNAI-32
... Respondents

PRAYER:

Writ Petition is filed under Article 226 of Constitution of India
praying to issue a Writ of Certiorarified Mandamus calling for records
with respect of the impugned proceedings in Letter No.1391/Tr.II-A/
2021- 5 dated 01.09.2025 issued by the 2nd respondent and quash the
same, consequently direct the respondents 1 and 2 to grant of pensionary
benefits, superannuation pension and other service benefits including
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gratuity in favour of the petitioner on retirement from the post of Regional Transport Officer as on 28.02.2019 along with reckoning period of service rendered in M/s. Anna Transport corporation Ltd., salem from 01.01.1983 to 21.04.1998 (15 years and 4 months) and settle the revised pensionary benefits including the regular pension and the arrears of retirement benefits in the light of order passed by the 1st respondent dated 24.06.2024 in GO.(D) No.799 Home (Transport -IIA) Department along with interest at the rate of 12 % per annum

For Petitioner : Mr.R.Nalliyappan

For Respondents : Mr.V.Jeevagiridharan,
Additional Government Pleader

ORDER

This writ petition has been filed challenging the order passed by the second respondent dated 01.09.2025 thereby rejecting the request made by the petitioner to count his past service rendered in Anna Transport Corporation Limited, Salem along with the present Government service.

2. The petitioner was initially appointed as Company



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Apprentice in Anna Transport Corporation Limited, Salem. Subsequently,

he was given regular employment as Junior Engineer and promoted to the post of Assistant Engineer. After period of several years, the petitioner had applied for selection to the post of Motor Vehicle Inspector Grade-II. He got selected and he was relieved from Anna Transport Corporation Limited and 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 to count the past service rendered in Anna Transport Corporation Limited along with the present Government service.

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

4. It is seen that some of the similarly placed persons' past services in the Anna Transport Corporation Limited were considered as qualifying service for pensionary benefits subject to the condition that



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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.

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 01.09.2025 is set aside and the aforesaid request made by the petitioner is remanded back to the second respondent. The second respondent is directed to pass fresh orders, in the light of the order passed for the similarly placed persons by including their past services for pensionary benefits subject to the aforementioned condition, 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
(1/4)

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

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G.K.ILANTHIRAIYAN, J.

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