



Rev.Aplw(MD).No.118 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 08.08.2025

CORAM

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

Rev. Aplw(MD)No.118 of 2025

in

W.P(MD) No.25865 of 2023

A.Rajan

... Petitioner

- Vs-

1. The Management of
Tamil Nadu State Transport Corporation
(Kumbakonam) Limited,
Represented by its Managing Director,
Kumbakonam.
2. The General Manager,
Tamil Nadu State Transport Corporation
(Kumbakonam) Limited,
Trichy Region, Trichy.
3. The Administrator,
The Tamil Nadu Transport Corporation
Employees Pension Fund Trust,
Thiruvalluvar Illam, Pallavan Salai,
Chennai – 600 002.

... Respondents

PRAYER: Review Petition is filed under Order 47 Rule 1 r/w Section 114 of C.P.C., praying this Court to review the clause 28(a) of the order dated 06.02.2025 passed in W.P(MD) No.25865 of 2023, in so far as



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clause 28(a) of the order in rejecting the writ petitioner's prayer to count his past services from 19.02.1991 to 06.09.2001 for the purposes of pension and other terminal benefits.

For Petitioner : Mr.Ajay Ghoush
For Mr.A.Rahul

For Respondents : Mr.S.C.Herold Singh
Standing Counsel

ORDER

The present Review Application has been filed seeking to review the order passed by this Court in W.P(MD) No.25865 of 2025, dated 06.02.2025.

2. The said Writ Petition was filed by a retired driver of the respondent Transport Corporation, challenging the order passed by the Transport Corporation rejecting the request of the petitioner to grant Grade Pay of Rs.1,900/- with effect from 01.07.2012. Under the order impugned in the writ petition, the Management has also rejected the request for counting the petitioner's service from the date of appointment to the date of dismissal.

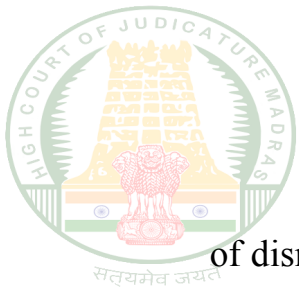


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3. This Court, by an order dated 06.02.2025, had allowed the Writ Petition partly with a direction to the Transport Corporation to revise the pay scale with Rs.1,900/- Grade Pay with effect from 01.07.2012 and the Transport Corporation was also directed to revise the pay scale of pension, fixing the Grade Pay at Rs.1,900/- with effect from 01.07.2012. However, the prayer to count the past services between 19.02.1991 and 06.09.2001 for the purposes of pension and other terminal benefits was rejected. Seeking to review that portion of the order, the present Review Application has been filed.

4. This Court, after considering the effect of Section 18(1) settlement, that was entered into between the Management and the employee on 23.10.2012, has arrived at a specific finding that the petitioner's past services before the date of dismissal cannot be taken into consideration for the purposes of pension.

5. The learned counsel appearing for the review petitioner had contended that Section 18(1) settlement what was waived by the employee is the back wages for the non employment period from the date



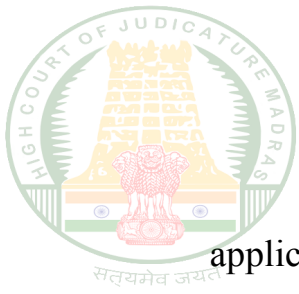
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of dismissal to the date of reinstatement. But he never agreed to forgo the past services. He further pointed out that Section 18(1) settlement or the consequential appointment order never referred to the appointment as a fresh appointment. In such circumstances, he submitted that the Court ought to have considered the prayer of the employee for counting services between 19.02.1991 and 06.09.2001 for the purposes of pension and other terminal benefits.

6. Per contra, the learned Standing Counsel appearing for the respondent Transport Corporation submitted that there is no error apparent on the face of the record, warranting interfere by this Court.

7. Heard the learned counsel on either side and perused the materials available on record.

8. From the submission made by the learned counsel appearing for the petitioner it is clear that there is no error apparent on the face of the record and therefore the submissions do not fall within the scope of review as contemplated under Order 47 Rule 1 of C.P.C. The review



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application cannot be treated as an appeal and the Writ Petition cannot be reargued on the same issue.

9. In such circumstances, this Court does not find any merits in this Review Application. Accordingly, this Review Application stands dismissed. There shall be no order as to costs.

08.08.2025

Index : Yes/No
Internet : Yes/No
NCC : Yes/No
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To

1. The Managing Director,
Tamil Nadu State Transport Corporation
(Kumbakonam) Limited,
Kumbakonam.
2. The General Manager,
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