



W.P.(MD)No.17191 of 2021

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.11.2025

CORAM

THE HON'BLE MR.JUSTICE ABDUL QUDDHOSE

W.P.(MD)No.17191 of 2021

C.Murugesan

: Petitioner

Vs.

1.The Managing Director,

Tamil Nadu State Transport Corporation (Madurai) Ltd.,

Bye-Pass Road, Madurai – 16.

2.The General Manager,

Tamil Nadu State Transport Corporation (Madurai) Ltd.,

Dindigul Region, Bye-Pass Road,

Dindigul – 4.

3.The Administrator,

Tamil Nadu State Transport Employees Pension Fund Trust,

Thiruvalluvar Illam, Pallavan Salai,

Chennai – 2.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the



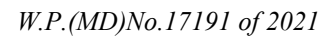
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records connected with the impugned order passed by the second respondent in Parvai : CES/R.O/DGL/746 dated 31.08.2021 and quash the same and consequently direct the respondents to extend the 5th Review Benefit on completion of 5 years of service in the category of Senior Grade Trades Man in terms of 12(3) Settlement dated 22.01.2011 and another settlement dated 13.04.2014 from the date of sanction of 4th Review Benefit on 01.11.2007 with monetary and service benefits including retirement benefits with arrears of Review benefits along with belated payment interest at the rate of 18% p.a.

For Petitioner : Mr.S.Govindan
For Respondents 1 & 2 : Mr.J.Senthil Kumaraiah
Standing Counsel
For Respondent No.3 : Mr.S.C.Herold Singh
Standing Counsel

ORDER

This Writ Petition has been filed challenging the impugned order passed by the second respondent dated 31.08.2021, rejecting the petitioner's request for grant of 5th review benefit on the ground that the petitioner was reverted back to the post of Tradesman only on 08.11.2023.



a) the petitioner after having completed 32 years of service as a Tradesman in the respondent transport corporation was promoted to the post of Foreman on 19.06.2012;

b) on account of family circumstances and on request made by the petitioner, the petitioner was reverted back to the post of Senior Tradesman by the proceedings of the respondents dated 04.12.2013;

c) however, under the impugned order, despite the fact that the petitioner even prior to his promotion to the post of Foreman had completed almost 32 years of service in the respondent transport corporation, the respondent transport corporation has rejected the request for 5th review benefit. The petitioner claims that arbitrarily and illegally the impugned order has been passed rejecting the 5th review benefit payable to the petitioner.

3.A counter has been filed by the second respondent reiterating the contents of the impugned order, in particular, they would submit that since the petitioner was reverted back to the post of senior tradesman only on 08.11.2013, he has not satisfied the requirement of getting 5th review benefit as per 12(3) settlement.



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4.Since, it is an undisputed fact that under the 12(3) settlement, the 5th review benefit is payable to the employee on completion of 32 years of service, admittedly, the petitioner even before being promoted to the post of Foreman had completed 32 years of service in the respondent transport corporation. The petitioner was appointed as a Tradesman on 03.05.1980 and he was promoted to the post of Foreman on 19.06.2012 ie., only after completing 32 years of service as a Tradesman. Having completed 32 years of service as a Tradesman, that too, when the petitioner is not facing any disciplinary proceedings and he is having unblemished track record and having satisfied the requirement for the grant of 5th review benefit as per the 12(3) settlement, he ought to have been granted the 5th review benefit which has been rejected under the impugned order by giving unreasonable reasons.

5.Under the impugned order, the petitioner's request for 5th review benefit has been rejected arbitrarily, by stating that since the petitioner has been reverted back to the post of Foreman only on 08.11.2013, the 5th review benefit cannot be paid to the petitioner, since he has not satisfied the terms and conditions of the 12(3) settlement for the grant of the 5th review benefit. Even prior to his promotion to the post of Foreman, the petitioner has satisfied the



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conditions under the 12(3) settlement for the grant of 5th review benefit as he has completed 32 years of service in the post of Tradesman. The reason given by the respondents under the impugned order for rejecting the petitioner's request for grant of 5th review benefit is arbitrary and illegal. Therefore, the impugned order passed by the second respondent dated 31.08.2021, rejecting the petitioner's request for grant of 5th review benefit has to be quashed by this Court and this Writ Petition will have to be allowed.

6.Accordingly, the impugned order dated 31.08.2021 passed by the second respondent is hereby quashed and this Writ Petition is allowed, by directing the second respondent to pay the 5th review benefit to the petitioner as per the 12 (3) settlement dated 22.01.2011 and another settlement dated 13.04.2014, within a period of twelve [12] weeks from the date of receipt of a copy of this order. There shall be no order as to costs.

04.11.2025

Index : Yes / No

Internet : Yes / No

NCC : Yes/No

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ABDUL QUDDHOSE., J.

MR

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