



W.P(MD).No.24701 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.01.2025

CORAM:

THE HONOURABLE MR JUSTICE B.PUGALENDHI

W.P(MD).No.24701 of 2022

S.Chandramohan

.. Petitioner

Vs.

1.The Managing Director,
Metropolitan Transport Corporation (Chennai) Ltd.,
Pallavan Salai,
Chennai -600 002.

2.The General Manager,
Metropolitan Transport Corporation (Chennai) Ltd.,
Pallavan Salai,
Chennai – 600 002.

3.The Managing Director,
Tamil Nadu State Transport Corporation., (KMB) Ltd.,
New Railway Station Road,
Kumbakonam – 612 001.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, to issue the petitioner's confirmation order from 2001 instead of 2005 and consequently direct the respondent to implement the old pension scheme and issue the order of old pension from the date of retirement and further disburse the terminal benefits like Provident Fund, Gratuity, Commutation and Leave Salary and other benefits.



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For Petitioner : M/s.K.Gokul
Advocate

For RR1 & 2 : Mr.S.C.Herold Singh
For R3 : Mr.K.Jagadeesh Balan

ORDER

According to the Petitioner, he was appointed as Conductor in the Respondent-Transport Corporation, in the year 1998 and retired from service in the year 2022. The grievance of the Petitioner is that he is entitled for regularization of his services in the year 2000 on completion of 240 days, however he was regularized only in the year 2005. Had he been regularized in the year 2000 itself, he would have obtained the pensionary benefits. Therefore, the Petitioner has filed this Writ Petition seeking a mandamus.

2. The learned Counsel for the Petitioner submitted that since the Petitioner has been regularized in the year 2005, the Respondent-Corporation is not providing the pension and are referring to the New Pension Scheme. He further submitted that though the Petitioner has made a representation, it has not been considered so far.



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3. The learned counsel appearing for the Respondent-Corporation submitted that the Petitioner was regularized only in the year 2005 and therefore, he is not entitled for any pensionary benefits.

4. This Court has considered the rival submissions advanced by the learned counsel for the Petitioner and the learned Counsel for the Respondents and perused all the materials available on record.

5. The Petitioner claims that he ought to have been regularized in the year 2000 and in the event, if he has been regularized in the year 2000, he is entitled for pension benefits. The Petitioner further claims that in this regard, he has already made a representation and the same is yet to be considered. The Respondents have to take a decision on this representation, on the Petitioner's eligibility for regularization in the year 2000. In the event if this petitioner is not eligible, then sufficient reasons must be assigned and must be intimated to this petitioner, enabling him to work out his remedy.



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6. Therefore, this Writ Petition is disposed of with a direction to the Respondent-Corporation to take a decision on the representation of this Petitioner within a period of twelve (12) weeks from the date of receipt of a copy of this order, on its merits and in accordance with law.

No costs.

28.01.2025

NCC : Yes/No

Index : Yes/No

Internet : Yes

nst

To

- 1.The Managing Director,
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Chennai -600 002.
- 2.The General Manager,
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B.PUGALENDHI, J.

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