



WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20-02-2025

CORAM

THE HONOURABLE MRS JUSTICE S.SRIMATHY

SUB A(MD) NO. 378 of 2024

IN

CONT P(MD) NO. 486 OF 2024

Elangovan

Managing Director, Tamilnadu State Transport Corporation
(Tirunelveli) Ltd, Vannarapettai, Tirunelveli-627 003 and others

Appellant(s)

Vs

M.Nagendra Pillai

S/o.Manickavasagam Pillai, No.38-D, Pillaiyar Kovil Street,
Senthanpudur, Mayiadi Post, Kanyakumari District.

Respondent(s)

For Petitioners: Mr.D.Jebaraj

For Respondent: Mr.A.K.Thangavelu

ORDER

The Learned Counsel appearing for the contemnors has filed the present sub application to clarify the interim order dated 22.11.2024 passed by this Court.

2. In the said order, this Court has recorded the facts that the petitioner was medically discharged, hence the petitioner was granted alternative employment from March 2007 to April 2007. But suddenly the contemnors had declined the alternative employment from May 2007 onwards. This Court considered the



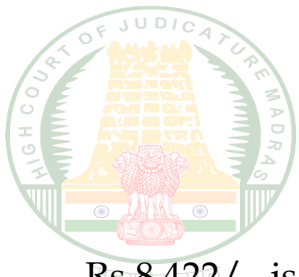
WEB COPY

same and held that the non-granting of alternative employment for subsequent period is the mischief done by the contemnors. In such circumstances, this Court had held that the petitioner is entitled to take the service from 16.06.2009 until he was discharged on 28.07.2015.

3. The present clarification petition is filed raising certain grounds and one such ground is the petitioner has not taken any action from 2008 to 2015. It is for this reason this Court directed to take the period from 2009 onwards.

4. The next ground that was raised is that no contribution was received from the petitioner during the disputed period from 16.06.2009 to 28.07.2015, hence the said period cannot be taken for calculating pension. This Court had held that it is the mischief committed by the respondents by not allowing the petitioner to serve in the already granted alternative employment and the same cannot be a ground to deny the service benefits. Obviously, the petitioner would not have contributed during the disputed period.

5. In the affidavit filed along with the clarification petition the contemnors submitted that based on the order of this Court the respondents have revised the benefits. The pension arrear comes to Rs.4,01,059/-, out the same a sum of Rs.1,56,723/- was deducted towards pension fund contribution for the non-employment period and the balance sum of Rs.2,44,336/-. And a sum of



WEB COPY

Rs.8,422/- is being paid forward monthly pension to the petitioner. Therefore, this Court is of the considered opinion that the petitioner/employee is entitled to the deducted amount of Rs.1,56,723/- which is calculated for the period from the non-employment period. Therefore, the contemnors are directed to settle the balance amount of Rs.1,56,723/- on or before 03.04.2025.

6. With the above said directions, the sub application is disposed of. Post the case for reporting compliance on 03.04.2025.

sd/-
20/02/2025

/ TRUE COPY /

/03/2025
Sub-Assistant Registrar (CS-I/II/III/IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Tmg
TO

1 ELANGO VAN, MANAGING DIRECTOR,
TAMIL NADU STATE TRANSPORT CORPORATION (TIRUNELVELI) LIMITED,
VANNARAPETTAI, TIRUNELVELI-627 003.

2 MERLIN JEYANTHI, GENERAL MANAGER,
TAMIL NADU STATE TRANSPORT CORPORATION (TIRUNELVELI) LIMITED,
NAGERCOIL REGION, RANITHOTTAM, KANYAKUMARI DISTRICT-629 001.

3 BHAMA, ADMINISTRATOR,
TAMIL NADU STATE TRANSPORT CORPORATION, EMPLOYEES PENSION
FUND TRUST, THIRUVALLUVAR ILLAM, PALLAVANSALAI, CHENNAI-600 002.



WEB COPY



ORDER
IN
SUB A(MD) No.378 of 2024
IN
CONT P(MD) NO. 486 OF 2024
Date :20/02/2025

NBF / VR /SAR- (13/03/2025) 4P/4C

Madurai Bench of Madras High Court is issuing certified copies in this format from
17/07/2023