



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20-07-2026

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THE HONOURABLE MR.JUSTICE K. SURENDER

WP No. 30 of 2026

P.Subramani

Petitioner

Vs

The Management,
Metropolitan Transport Corporation,
(Chennai) Ltd., Pallavan Salai,
Chennai-600 002.

Respondent

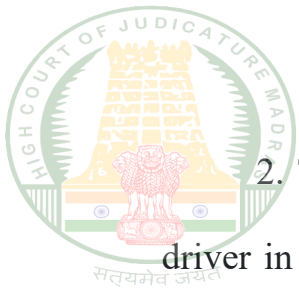
PRAYER Writ Petition filed under Article 226 of the Constitution of India, seeking to issue a Writ of Certiorarified Mandamus, calling for records pertaining to the order passed in E.A.No.1 of 2025 in E.P. No.42 of 2024 dated 04.11.2025 and quash the same and consequently direct the III Additional Labour Court to pass orders on merits in E.P.No.42 of 2024.

For Petitioner: Mr.K.Malaikannu

For Respondent: Mr.R.Balaji

ORDER

This writ petition has been filed seeking to quash the order passed in E.A.No.1 of 2025 in E.P. No.42 of 2024 dated 04.11.2025 and for a consequential direction to the III Additional Labour Court to pass orders on merits in E.P.No.42 of 2024



2. The brief facts of the case are that the petitioner was appointed as a driver in the respondent Corporation on 21.10.1997. While he was performing his duty on 10.07.2000, he met with an accident, due to which, he sustained fractures on his legs which rendered him unfit to do driver duty. Thereafter the respondent Corporation invalidated him on medical grounds and discharged him from service on 07.06.2003 even after submitting several representations by the petitioner to provide him alternate employment. Therefore, he approached the Labour Court by filing I.D.No.245/2013 under Section 2(A) of the Industrial Disputes Act, 1947 (in short 'I.D.Act'), requesting to set aside the removal of the petitioner from service. Pending proceedings, the petitioner attained the age of Superannuation on 30.04.2014. Thereafter on 30.11.2018, the III Additional Labour Court, Chennai has passed orders, directing the respondent Corporation to pay backwages along with other attendant benefits. The relevant paragraph is extracted hereunder for better appreciation:

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In the result, the industrial dispute is allowed and the order of discharge of the petitioner dated 07.06.2003 is hereby set aside, and the respondents are directed to pay the petitioner, backwages for the period from the date of his discharge on 07.06.2003 till 30.04.2008, and for the period from 31.01.2013 to till the date of his retirement on 30.06.2014, with continuity of service and all other attendant benefits, and also Rs.25,000/- towards the cost of litigation in a period of two months from the date of this order. Since the petitioner has attained superannuation on 30.06.2014, there is no order for reinstatement."



3. Pursuant to the above order dated 30.11.2018, the petitioner approached the Labour Court and filed Execution Petition in E.P.No.42/2024.

Pending the Execution proceedings, the respondent Management filed E.A.No.1/2025 on the ground that the order for Employees' Provident Fund share, Gratuity, EL Surrender, Annual Bonus, Performance Incentive and Pension arrears were not specifically stated in the orders passed on 30.11.2018 and as such the said benefits cannot be claimed in the Execution Petition. On the said ground, the Tribunal found that since there were disputed claims regarding the retiral benefits especially the gratuity, the same cannot be sought under Section 11(b) of the I.D.Act.

4. The learned counsel for the petitioner would submit that though it is not specifically stated regarding the other 'attendant benefits' as mentioned in the orders, however the said attendant benefits would include all the benefits that would accrue on the retirement of the person.

5. The learned counsel for the petitioner placed reliance on the Judgment of the Hon'ble Supreme Court in *M/s.Gammon India Ltd., Vs. Sri Niranjana Dass* reported in 1984-(001)-SCC-0509-SC wherein it has been held thus:

"4. In the course of hearing of this appeal, it was stated that the respondent has reached the age of superannuation therefore



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physical reinstatement in service is not possible. Appellant will have to establish that fact but in the event, the appellant shows that under a valid rule, respondent has reached the stage of superannuation and therefore physical reinstatement is not possible, it is hereby declared that the respondent shall continue to be in service uninterruptedly from the date of the attempted termination of service till the date of superannuation. Respondent would be entitled to all back wages including the benefit of revised wages or salary if during the period there is revision of pay-scales with yearly increment, revised dearness allowance or variable dearness allowance and all terminal benefits if he has reached the age of superannuation such as Provident Fund, Gratuity etc. Back wages should be calculated as if the respondent continued in service uninterrupted. He is also entitled to leave encashment and bonus if other workmen in the same category were paid the same. It appears that the respondent has been unlawfully kept out of service, therefore it is but just that the appellant-company shall pay all the arrears as calculated according to the directions herein given with 12% interest from the date the amount became due and payable till realisation. Appellant shall also pay costs to the respondent quantified at Rs.5,000. The appellant is directed to pay the amount as herein directed to be paid within 3 months from today.

6. In view of the above Judgment of the Hon'ble Supreme Court and the Labour Court's direction to pay all 'attendant benefits', the orders passed dismissing the Execution petition No.42/2014, is hereby set aside. The



petitioner is at liberty to file a fresh Execution petition claiming all benefits and the Labour Court shall pass orders on the same, in the light of the Judgment passed by the Hon'ble Supreme Court in *M/s.Gammon India Ltd.*, case cited *supra*.

7. With the above direction, this writ petition stands disposed of. No costs.

K. SURENDER,J
20-07-2026

vum

Index:Yes/No

Speaking/Non-speaking order

Neutral Citation:Yes/No

To

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(Chennai) Ltd, Pallavan Salai,
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