

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.01.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.952/2017

V.Sampath

...Petitioner

Vs

1.The Management of Metropolitan Transport Corporation [Chennai] Ltd., Pallavan Illam Anna Salai, Chennai 600 002.

2.The Administrator
Tamil Nadu State Transport Corporation
Employees Pension Fund, Pallavan Salai,
Chennai 600002.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus to direct the 1st respondent to add the non-employment period, i.e., from 13.07.1996 to 19.07.2012 for calculating pension and adjust the employer's contribution of PF amount payable to the Trust from petitioner's pension arrears and consequently, to revise the pension to the petitioner.

For Petitioner : Mr.S.T.Varadarajulu
For Respondents : Mr.P.Kannankumar

ORDER

By consent, the writ petition is taken up for final disposal. Mr.P.Kannankumar, learned Standing Counsel accepts notice on behalf of the respondents.

2 The petitioner joined the services of the respondent / Corporation as a driver from December 1981 - Staff No.D 12397 and his service was confirmed on 03.05.1983 and according to him, ever since the date of joining duty, he had discharged his duty honestly and sincerely without any blemish. The petitioner, during November 1994, was forced to apply for

leave on account of ill-health and though a letter was submitted, it was not properly considered and disciplinary action was initiated and after enquiry, he was dismissed from service on 13.07.1996. The petitioner, challenging the order of dismissal, raised in Industrial Dispute in ID.No.604/1997 before the Principal Labour Court, Chennai, and an Award came to be passed on 13.10.2004, holding that the petitioner is entitled to the relief of reinstatement of service with continuity of service and attendant benefits, 50% of back wages etc. The Management filed a writ petition challenging the legality of the Award in WP.No.29521/2005 and it was also dismissed on 13.10.2004 and no further challenge has been made to the said order. Subsequently, with regard to the settlement of terminal benefits, the matter was referred to the Lok Adalat and vide Lok Adalat Award dated 28.03.2013, it was agreed that no amount of back wages need be paid to the petitioner and he shall be reinstated in service with continuity of service for the entire period of his absence and the reinstatement shall be made within three weeks from the date of the Award and vide proceedings dated 05.07.2012, the petitioner was allowed to re-join duty and he retired from services on attaining the age of superannuation on 31.07.2012. The grievance expressed by the petitioner is that an order granting pension was issued to him and in Column No.6, it has been stated that "the eligible period of service is only 10 years" and the same is against the Award passed by the Labour Court as confirmed by this Court in the writ petition and the petitioner in this regard, has also approached the respondents several times and also submitted series of representations for calculating the pension and to adjust the Employer's Contribution of PF amount payable to the Trust from the petitioner's pension and consequently, to revise the pension and to pay the same and in spite of receipt and acknowledgment, no orders have been passed and hence, the petitioner has come forward to file the present writ petition.

3 Heard the submissions of the learned counsel appearing for the petitioner and Mr.P.Kannankumar, learned Standing Counsel appearing for the respondents.

4 Though the petitioner has prayed for a larger relief, this Court, in the light of the facts and circumstances, directs the respondents 1 and 2 to consider and dispose of the petitioner's representation dated 23.12.2016 on merits and in accordance with law and pass orders within a period of eight weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner.

5 The writ petition stands disposed of with the above direction. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

AP

To

1.The Management of Metropolitan Transport Corporation [Chennai] Ltd., Pallavan Illam Anna Salai, Chennai 600 002.

2.The Administrator
Tamil Nadu State Transport Corporation
Employees Pension Fund, Pallavan Salai,
Chennai 600002.

+1cc to Mr.T. Varadarajulu, Advocate, S.R.No.3316

+2cc to Mr.P. Kannan Kumar, Advocate, S.R.No.3374

sr(CO)
md(02/02/2017)

WP.No.952/2017

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