

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.09.2017

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH

AND

THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN

W.A.No.1145 of 2016

1. The Managing Director
Metropolitan Transport Corporation
Anna Salai, Pallavan Salai
Chennai 600 002
 2. The Administrator
Tamil Nadu State Transport Corporation
Employees Pension Fund
Pallavan Salai
Chennai 600 002
- .. Appellants/Respondents
- vs-
- S.Anbalagan .. Respondent

Appeal under Clause 15 of the Letters Patent, against the order dated 03.03.2016 made in W.P.No.22166 of 2015. Writ Petition filed under Article 226 of Constitution of India praying for a Writ of Mandamus directing the the respondents to pay pension to the petitioner after taking note of the service benefits given to him in the Award dated 05.09.2002 passed in I.D.No.633 of 1996 .

For Appellants :: Mr.P.Paramasivados

For Respondent :: Mr.S.T.Varadarajulu

JUDGMENT

(Judgment of the Court was made by HULUVADI G.RAMESH, J.)

Heard the learned counsel for the parties for some time.

2. The appellants have filed this appeal aggrieved by the order passed by the learned single Judge in directing them to calculate the pension to the respondent/writ petitioner by taking into consideration the total length of service from

23.6.82 onwards, as per the Tamil Nadu State Transport Corporation Employees Pension Fund Scheme, ignoring the fact that no such award has been passed by the Lok Adalat in favour of the respondent/writ petitioner.

3. On the other hand, the learned counsel for the respondent, relying upon the joint memorandum of settlement entered into before the Lok Adalat on 7.4.2017 in W.P.Nos.25405 of 2016 & 14524 of 2014 between the same appellant-Management and one Mr.K.Balaraman, submitted that in a similar case, when the Management had agreed to pay pension to the concerned workman by making the employer's provident fund contribution, in lieu of entire backwages for the non employment period, they cannot deny the same benefit to the respondent, after deducting the contribution to be made by him, for the purpose of pension.

4. Having heard the learned counsel for the parties, we hereby clarify that it is for the appellant-Management to calculate the pension payable to the respondent/writ petitioner by taking into account the employer's provident fund contribution covering the length of service, which amount shall carry interest as per the Tamil Nadu State Transport Corporation Employees Pension Fund Scheme, and on quantification of the entire arrears of pension, the amount of contribution to be made by the respondent/writ petitioner shall be deducted/adjusted and the balance amount thereof shall be paid to the respondent, so that there may be regular payment of monthly pension in favour of the respondent/writ petitioner. Such an exercise shall be completed within a period of two months from the date of receipt of a copy of this order. With this clarification, the writ appeal stands disposed of. Consequently, C.M.P.No.14762 of 2016 is closed. No costs.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

ss

To

1. The Managing Director
Metropolitan Transport Corporation
Anna Salai, Pallavan Salai
Chennai 600 002

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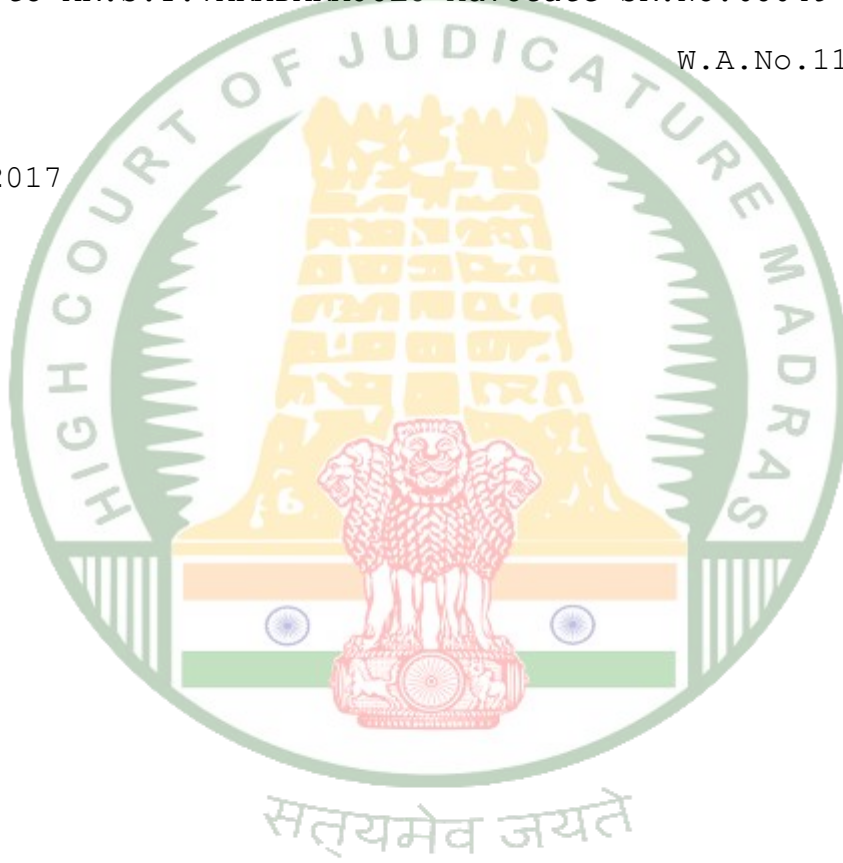
2. The Administrator
Tamil Nadu State Transport Corporation
Employees Pension Fund
Pallavan Salai
Chennai 600 002

C.C. to MR.P.PARAMASIVADOSS Advocate SR.NO.68090

C.C. to MR.S.T.VARADARAJULU Advocate SR.NO.68049

W.A.No.1145 of 2016

KJI (CO)
VS 26.10.2017



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