

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 16.02.2018

CORAM

THE HONOURABLE MR. JUSTICE T.RAJA

W.P.No.3454 of 2018

M.Sugumar

...Petitioner

Versus

1. The Management of Tamil Nadu State Transport Corporation (Kovai) Limited rep. by its Managing Director, Coimbatore.

2. The Administrator, Tamil Nadu State Transport Employees' Pension Fund Trust, Thiruvalluvar Illam, Anna Salai, Chennai-2.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to count the entire service period of the petitioner from 01.07.1984 to 31.05.2015 as his pensionable service and to sanction and pay him full pension under the Tamil Nadu State Transport Employees Pension Fund Rules, along with arrears of pension, pension commutation and all consequential benefits from 01.06.2015 after adjusting the reduced pension now being paid to him, together with interest at 18% p.a.

For Petitioner

: Mr.V.Ajoykhose

For Respondents

: Mr.R.S.Selvam,
Standing Counsel

ORDER

The Writ Petition has been filed seeking to issue a Writ of Mandamus, directing the respondents to count the entire service period of the petitioner from 01.07.1984 to 31.05.2015 as his pensionable service and to sanction and pay him full pension under the Tamil Nadu State Transport Employees Pension Fund Rules, along with arrears of pension, pension commutation and all consequential benefits from 01.06.2015 after adjusting the reduced pension now being paid to him, together with interest at 18% p.a.

2. The case of the petitioner is that he joined the 1st respondent Corporation as Driver during the year 1984 and became the member in the Employees Provident Fund. While so, he was discharged from service by an order dated 27.11.2003 of the 1st respondent on the ground that due to defective vision, he became unfit to the post of Driver, without providing him alternative employment. Aggrieved over the same, the petitioner raised an Industrial Dispute in I.D.No.390/2004 before the Labour Court, Coimbatore. The Labour Court passed an award dated 01.02.2010 directing the 1st respondent herein to reinstate the petitioner in service with back wages, continuity of service and the other attendant benefits. Accordingly, he was reinstated on 7.1.2001 in the post of Cleaner by the orders of the 1st respondent and he joined duty and thereafter, on attaining the age of superannuation, he retired from service on 31.5.2015.

3. Now the grievance of the petitioner is that the respondents have not counted his full service for calculating the pension, including the period, namely, from the date of discharge till the date of reinstatement order i.e. from 27.11.2003 till 06.01.2011 as per the Award passed by the Labour Court dated 01.02.2010 which says that the petitioner is entitled to get back wages, continuity of service and the other attendant benefits. In this regard, the petitioner has given a representation dated 24.06.2017 to the respondents. Since there is no response for the same, the present Writ Petition has been filed.

3. Heard Mr.R.S.Selvam, learned Standing Counsel appearing for the respondents and I have also perused the materials available on record.

4. A perusal of the award passed by the Labour Court, Coimbatore in I.D.No.390/2004 dated 01.02.2010 shows that the petitioner is entitled to be reinstated in service with continuity of service, back wages and other attendant benefits.

5. In view of the above, this Court directs the respondents to consider the representation of the petitioner dated 24.06.2017 on merits and in accordance with law and also in the light of the award passed by the Labour Court, Coimbatore in I.D.No.390/2004 dated 01.02.2010 and pass appropriate orders, within a period of four weeks from the date of receipt of a copy of this Order.

T.RAJA, J.

tsi

6. The Writ Petition is disposed of accordingly. No costs.

16.02.2018

Index:Yes/No

Internet:Yes/No

tsi

To

1. The Management of Tamil Nadu State Transport Corporation (Kovai) Limited rep. by its Managing Director, Coimbatore.
2. The Administrator, Tamil Nadu State Transport Employees' Pension Fund Trust, Thiruvalluvar Illam, Anna Salai, Chennai-2.

सत्यमेव जयते

WEB COPY

W.P.No.3454 of 2018