

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.08.2018

CORAM

THE HON'BLE DR.JUSTICE S.VIMALA

W.P.NO.19213 and 19214 of 2013 and W.M.P.Nos.1, 1 and 2 of 2013

The General Manager
Tamil Nadu State Transport Corporation
(Villupuram) Ltd., Kancheepuram Region
Kancheepuram. .. Petitioner in both W.Ps.

Vs

1. The State of Tamil Nadu
rep.by the Secretary to Government
Transport Department, Fort St.George
Chennai - 600 009.
2. The Presiding Officer
II Additional Labour Court
Chennai.

K.V.Babu .. Respondents in both W.P.s

Prayer in W.P.No.19213 of 2013: Writ Petition filed under Article 226 of the Constitution of India praying to issue a writ of certiorari calling for the records of the orders passed by the second respondent in I.A.No.369 of 2012 in C.P.No.1878 of 2011 and E.P.No.58 of 2012 in C.P.No.1878 of 2011 dated 08.01.2013 and quash the same.

Prayer in W.P.No.19214 of 2013 : Writ Petition filed under Article 226 of the Constitution of India to issue a writ of declaration declaring that the act of the 2nd respondent in entertaining the C.P.No.1878 of 2011 and E.P.No.58 of 2012 as illegal and as against the provisions of the Industrial Disputes Act, 1947.

For Petitioner : Mr.Kulandaivel for
Mr.Antony Arockiaraj

For Respondents : R2 - Labour Court

R3 - No appearance

Mr.N.Srinivasan
Addl.Govt.Pleader for R1

O R D E R

Both these writ petitions are filed by the management / transport corporation. The third respondent herein and 15 others filed C.P.No.1238 of 1992, claiming arrears of pension, which was allowed, against which the petitioner has filed W.P.No.1524 of 1999 and the same was dismissed by this Court on 05.02.2007. Subsequently, the third respondent herein filed C.P.No.1878 of 2011, seeking for payment of Rs.5,15,028/- as the pension amount payable for the period from January 1993 to June 2011, which was allowed exparte by the labour Court, by an order dated 10.07.2012. Hence, the petitioner filed I.A.No.369 of 2012, seeking condonation of delay, which was also dismissed. Thereafter, the third respondent has filed E.P.No.58 of 2012, seeking enforcement of the award passed in C.P.No.1878 of 2011 dated 10.07.2012.

2. Writ Petition No.19213 of 2014 is filed seeking to quash the order of dismissal passed by the second respondent in I.A.No.369 of 2012, as against the exparte order in C.P.No.1878 of 2011 and the order dated 08.01.2013 in E.P.No.58 of 2012.

2.1. Writ Petition No.19214 of 2014 is filed to declare that the act of entertaining C.P.No.1878 of 2011 dated 10.07.2012 and E.P.No.48 of 2012 dated 08.01.2013 as illegal and as against the provisions of the Industrial Disputes Act, 1947.

3. It is represented that as a subsequent development, the government has passed G.O.(Ms) No.96, Transport (RW1) Department dated 31.07.2015. The legal position now is that the workman is entitled to pension in terms of the above G.O.No.96 dated 31.07.2015. Accordingly, the management is directed to calculate the pension in terms of G.O.Ms.No.96 dated 31.07.2015 and it shall be paid to the workman / second respondent in both the writ petitions, within a period of 12 (twelve) weeks from the date of receipt of a copy of this order. With the above directions, these writ petitions are disposed of. No costs. Consequently, connected W.M.Ps. are closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

kst

To

1. The Secretary to Government, Transport Department,
Fort St.George, Chennai - 600 009.

2. The Presiding Officer, II Additional Labour Court
Chennai.

+1 cc to M/s.A.Antony Arockia Raja, Advocate Sr.No.59741

W.P.Nos.19213
and 19214 of 2013

SKV(CO)
CSL/26.11.2018



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