



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.09.2018

CORAM :

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

Writ Petition (MD)No.12390 of 2016

and

W.M.P (MD)No.9400 of 2016

and

16353 of 2017

K.Ramesh

... Petitioner

Vs.

1. The Management of Tamil Nadu
State Transport Corporation (Madurai) Ltd.,
Rep by its Managing Director,
Bye Pass Road, Madurai 10.

2. The General Manager,
Tamil Nadu State Transport Corporation
(Madurai) Ltd., Madurai Region,
Madurai.

3. The Administrator,
Tamil Nadu State Transport Corporation
Pension Fund Trust, Thiruvalluvar House,
Pallavan Salai, Chennai 2.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, to direct the respondents to settle the petitioner's terminal benefits including monthly pension gratuity earned Leave salary pay revision arrears from 01.09.2013 to 31.01.2015 in terms of settlement under Section 12(3) of the I.D.Act 1947 bonus and incentive for the years 2004-05, 2005-06 and 2006-07 with interest at the rate of 18% per annum payable from the date of retirement i.e. from 31.01.2015 to till the date on which the said benefits are settled to the petitioner.

For Petitioner	: Mr.A.Rahul
For Respondents 1&2	: Mr.A.Jeyaram
For 3 rd Respondent	: Mr.A.P.Muthupandian

ORDER

The sum and substance of the issue involved in this writ petition is that the petitioner was an employee under the Transport Corporation who was denied employment and ultimately, dismissed from service which culminated into filing of I.D.No.134 of 1988 before the Labour Court, Madurai and the Labour Court passed an award in the aforesaid I.D., directing the respondents 1 and 2 herein to reinstate the petitioner with continuity of service and backwages from 01.04.1988.



2.The Management took up the matter to the Hon'ble Supreme Court where the matter was ended in dismissal. The Management in the counter affidavit accepted the fact that the Labour Court has directed the reinstatement with effect from 01.04.1988 with continuity of service and backwages. It is further stated that on account of financial crisis, the gratuity and the leave salary has to be paid and the same is pending.

3.The only contention raised on behalf of the respondents is that since the petitioner was appointed on 01.04.2003, the petitioner is not entitled to get pension.

4.When they have admitted in paragraph No.4 of the counter affidavit with regard to the award that the Labour Court had passed an award in I.D.No.134 of 1988 directing them to reinstatement the petitioner with continuity of service and back wages from 01.04.1988 which has been confirmed by the Hon'ble Apex Court. Therefore, the petitioner would be entitled to get benefit of pension which has to be paid by the third respondent. Unless and until the proposals are sent by the second respondent, the petitioner will not get the pensionary benefit. Hence the contention of the respondents that the petitioner has joined only after 30.08.2004 cannot be accepted and that the petitioner is entitled to get terminal benefits and other benefits accrued to him in terms of the settlement/ agreement between the parties. The gratuity amount and other terminal benefit will have to be paid by the first and second respondents in 12 installments commencing from November 2018. Insofar as the pension is concerned, the proposal has to be sent to the third respondent specifying the date of joining as on 01.04.1988, in order to enable the third respondent to process the application and extend the benefit of pension including the arrears that may be payable to the petitioner. All the terminal benefits like gratuity, leave salary would be carried interest at the rate of 6% per annum from the date of petition it become due till the date of retirement. The first installment is directed to be paid on or before 02.11.2018. The proposals have to be forwarded to the third respondent within a period of four weeks from the date of receipt of a copy of this order and the third respondent shall disburse the pension without any delay.

5.The writ petition is disposed of accordingly. No costs. Consequently, W.M.P(MD)No.9400 of 2016 and 16353 of 2017 are closed.

Sd/-

Assistant Registrar(CO)

/True Copy/



+1cc to Mr.A.Jeyaram, Advocate Sr.No.82776
+1cc to Mr.A.Rahul, Advocate Sr.No.82464

RMI

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VB/SKN/SAR/10.10.2018/3P/3C

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and
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