



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.07.2021

CORAM

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.4551 of 2014

S. Muthukamatchi

... Petitioner

-vs-

The Management
Tamil Nadu State Transport Corporation
(Coimbatore) Limited,
Mettupalayam Road, Coimbatore.
... Respondent

Prayer: Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Mandamus directing the respondent to pay the petitioner the arrears of pension to the tune of Rs.2,43,647/- and commuted pension to the tune of Rs.97,278/- with interest @ 12% p.a. With effect from the date of petitioner's retirement viz., 31.01.2005 to till date.

For Petitioner : M/s.K.V.Shanmuganathan

For Respondent : Mr.A.Sundaravathanam
Standing Counsel

O R D E R

This Writ Petition has been filed for a direction to the respondent to pay the petitioner the arrears of pension to the tune of Rs.2,43,647/- and commuted pension to the tune of Rs.97,278/- with interest @ 12% p.a. With effect from the date of petitioner's retirement viz., 31.01.2005 to till date.

2. It is the case of the petitioner that he was dismissed from service on 24.04.1985 and in the Industrial Dispute raised by the Petitioner in I.D.No.409 of 1989, he was directed to be reinstated in service with effect from 11.09.1994, and the award came to be published on 12.08.1994. The Petitioner had filed a Computation Petition No.1 of 2010 under Section 33-C(2) of the Industrial Disputes Act, 1947, claiming benefits under various heads that has been paid except for the period between 02.12.1993, namely, the date of the award till the date of reinstatement on 10.09.1994. The Labour Court has rejected the Petition on the ground that the award has been published on 12.08.1994 and the same would come into effect within 30 days from the date of publication of the award and therefore, the employee would not be entitled to the



benefits. In Paragraph No.11 of the order, the Labour Court has observed as follows:

"11. The Tamil Nadu State Transport Corporation Employees' Pension Fund Rules has been marked as Ex.W.11. IN Rule 2 Clause (v), it is clearly stated that "Pensionable Service" means the service rendered by the member for which the contributions Fund received. In this case, admittedly, during the dismissal period, the petitioner has not made any contribution towards pension. Under the said circumstances as rightly pointed out by the learned counsel for the respondent, the period of dismissal cannot be taken into account for the purpose of calculation of the pension. Therefore, I hold that the calculation made in Ex.W.9 is correct and that the petitioner is entitled to get the amounts which are mentioned in Ex.W.9 only."

3. Once the Petitioner has been reinstated into service with continuity of service, he is entitled to pension for the entire services, he rendered. Admittedly, the Labour Court, in I.D.No.409 of 1989, had granted the relief of reinstatement to the Petitioner, without back wages and therefore, as rightly observed by the Labour Court, he would not have contributed any amount towards pension. That apart, Labour has apprised all arguments raised by the petitioner, including the one of payment of arrears of pension in the Computation Petition itself and therefore, this Court is of the view that no further orders are required to be passed in this Writ Petition.

4. Accordingly, this Writ Petition is closed. No costs.

Sd/-

Assistant Registrar(CS-VII)

//True copy//

Sub Assistant Registrar

dpq

To:

1. The Management
Tamil Nadu State Transport Corporation
(Coimbatore) Limited
Mettupalayam Road, Coimbatore.

W.P.No.4551 of 2014

PMK (CO)

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GMP (08/12/2021)