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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.10.2021

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THE HON'BLE MR.JUSTICE C.SARAVANAN

W.P.No.22988 of 2021

and

W.M.P.No.24193 of 2021

(Through Video Conferencing)

M.Ruthiramanian

...Petitioner

Vs.

1. The Managing Director,
Tamil Nadu State Transport Corporation
(Villupuram) Limited,
Kancheepuram Region,
No.3/137, Salamedu,
Varuthareddy Post,
Villupuram - 605 602.

2. The Administrator,
Tamil Nadu State Transport Corporation
Pension Fund Trust,
Thiruvalluvar House, Pallavan Salai,
Chennai - 600 002.

...Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, for issuance of a Writ of Mandamus directing the respondents to pay the revised pension after refix the basic pay by giving notional effect to the pay as on 01.09.1995 based on the continuity of service and other attendant benefits, in view of the award passed by the Labour Court in I.D.No.885 of 2001 dated 03.02.2010 and consequently to pay the Arrears of Pension and difference in payment of Terminal Benefits namely Commutation of Pension, Gratuity and Leave Liabilities with interest at the rate of 18% from the date of Retirement (30.06.2016) to date of disbursement.

For Petitioner : Mr.V.S.Jagadeesan

For Respondents : Mr.A.Saravana Kumar
Standing Counsel



ORDER

Mr.A.Saravana Kumar, learned Standing Counsel takes notice on behalf of the respondents.

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2. The petitioner was reinstated after he was dismissed from services pursuant to an Award of the Labour Court dated 03.02.2010 in I.D.No.855 of 2001. Pursuant to the aforesaid order, an order reinstating the petitioner was passed with continuity of service without backwages with minor punishment of postponement of increments for two years are issued on 13.09.2010. The relevant portion from the said order reads as under:-

"Thiru.M.Ruthiramanian, Conductor, Staff No.61248 attached to Chengalpet II Branch was dismissed from service vide ref.No.577/5125/L4/MGRTC/95, dt. 08.10.96 on proven charges of ticket irregularities.

The workman has raised an Industrial Dispute vide No.855/2001 before the Labour Court, Chennai against his dismissal. The Labour Court, Chennai considering the I.D filed by the workman have ordered to re-instate the workman with continuity of service and other attendant benefits but without backwages and to impose the punishment of postponement of increment for two years without cumulative effect.

The award passed by the Labour Court was placed before the Board and the Board has resolved to authorise the M.D to reinstate the workman vide reference cited as per the award passed by the Labour Court.

Accordingly, Thiru M.Ruthiramanian, Conductor, Staff No.61248 is reinstated into service with continuity of service and other attendant benefits but without backwages. The Assistant Manager (Wage Admn.) is requested to give effect to the pay as on 1.9.95 and make subsequent modifications as per eligibility and to impose the punishment of postponement of increment for two years without cumulative effect.

The individual is posted to work at Chengalpet-2 Branch. The Branch Manager, Chengalpet-2 Branch is requested to admit the individual for duty and report compliance."

3. The petitioner has since retired services from the respondents on 30.06.2016. It is the case of the petitioner that in the Pension Payment Order dated 30.06.2016, the respondents have only included 13 years of services instead of 27 years which is contrary to the Award of the Labour Court in I.D.No.855 of 2001 and the consequential Reinstatement Order dated 13.09.2010. The petitioner's representation dated 07.10.2021 has not received any attention from the respondents.



4. Since the representation dated 07.10.2021 has not received any attention from the respondents, this Writ Petition is disposed by directing the respondents to pass appropriate orders by carrying out necessary corrections in the Pension Payment Order of the petitioner duly factoring the Reinstatement Order dated 13.09.2010 pursuant to the Award dated 03.02.2010 in I.D.No.855 of 2001 of the Labour Court within a period of three months from the date of receipt of a copy of this order.

5. While carrying out the above exercise, the respondents shall also keep in mind the content of the Order of this Court in W.P.No.2097 of 2011 dated 03.12.2012 wherein, under a somewhat similar circumstances, the relief was granted to the petitioner therein. No costs. Consequently, connected Writ Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-II)

//True Copy//

Sub Assistant Registrar

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To

1.The Managing Director,
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(Villupuram) Limited,
Kancheepuram Region,
No.3/137, Salamedu,
Varuthareddy Post,
Villupuram - 605 602.

2.The Administrator,
Tamil Nadu State Transport Corporation
Pension Fund Trust,
Thiruvalluvar House, Pallavan Salai,
Chennai - 600 002.

+1cc to Mr.V.S.Jagadeesan, Advocate SR. No.55264

W.P.No.22988 of 2021

and

W.M.P.No.24193 of 2021

CP (CO)

PR (30/11/2021)