



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.02.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

AND

THE HONOURABLE MRS. JUSTICE S.ANANTHI

**W.A. (MD)No. 627 of 2020
and CMP (MD) No.3966 of 2020**

The Managing Director,
Tamil Nadu State Transport Corporation
(Madurai) Ltd., Bypass Road,
Madurai-625 016.

:Appellant

Vs.

1.S.Taj

2.The Presiding Officer,
Labour Court,
Madurai-625 020.

3.The Administrator
Tamil Nadu State Transport Corporation
Employees Pension Fund Trust,
Thiruvalluvar Illam,
Pallavan Salai
Chennai-600 002.

: Respondents

PRAYER: Appeal filed under Clause 15 of the Letters Patent against the order of this Court in W.P.(MD) No.13811/ 2015 dated 18.02.2020.

Prayer in WP(MD). 13811/ 2015 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records connected with the Impugned order passed by the 1st Respondent in C.P. No. 60/2013 dated 26.05.2015, quash the same and consequently direct the 2nd and 3rd Respondents to settle the terminal benefits of the petitioner, such as Pension, Gratuity, Annual Bonus, Performance incentive, Commutation of Pension etc., for 34 years of service rendered by the petitioner, in terms of the Award of the Honourable Labour Court passed in I.D. No. 126/1991 dated 28.02.2012.



For Appellants

:Mr.J.Senthil Kumaraiah

For Respondents

:Mr.S.Govindan for R1

No appearance for R3

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JUDGMENT

(Judgment of the Court was delivered by M.M.SUNDRESH, J.)

This writ appeal is preferred by the appellant aggrieved over the order of the learned single Judge, by which, a direction was issued to settle the retiral benefits in tune with the award of the labour Court, after receiving the contribution payable by the writ petitioner.

2.The only submission made by the learned counsel for the appellant is that having not granted for the aforesaid period, the writ petitioner is not entitled for the pensionary benefits. A reliance has been made on the order passed in the computation petition.

3. The learned counsel for the respondent/writ petitioner submitted that the award of the labour Court has become final inter se parties. Therefore, the order requires no interference.

4. We have perused the award of the labour Court. The labour Court clearly stated that the respondent writ petitioner is entitled for the benefits for the period of duty of employment sans back wages. A clear finding has been recorded that there is no evidence to show that the respondent writ petitioner has gone employment elsewhere and therefore, though he is not entitled for reinstatement, he is entitled for continuity of service with attendant benefits.

5. As stated aforesaid, the order has become final. There is a difference between jurisdiction of the labour Court, when a dispute is raised and the petition filed seeking computation of the benefits. There is no role for adjudication in a computation petition. Therefore, not much of a reliance can be made. The learned single Judge has rightly allowed the writ petition taking into consideration of the award.

6. In such view of the matter, we do not find any error to interfere with the order of the learned Single Judge. The learned single Judge is right in asking the appellant to take into consideration of the period, in which, the respondent writ petitioner is out of employment, as there was no challenge to the award, of course, subject to the condition that the respondent would have to pay his part of the contribution.



7. The appeal stands dismissed accordingly. No costs.

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// True Copy //

Sd/-

Assistant Registrar (AE)

/ /2021

Sub Assistant Registrar(CS)

RR

To

1.The Presiding Officer,
Labour Court,
Madurai.

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

**Order made in
W.A. (MD)No.627 of 2020 and
CMP(MD) No.3966 of 2020
15.02.2021**

KM (01.03.2021) 3P 3C