



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.06.2021

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P(MD)No.23911 of 2019

WEB COPY

G.Krishnamoorthy (Died)

K.Radha

W/o.Late.G.Krishnamoorthy

... Petitioner

(Petitioner is substituted vide order, dated 23.06.2021
made in W.M.P(MD)No.3510 of 2021)

vs.

1.The Government of Tamil Nadu,
Rep. by the Commissioner & Secretary,
Transport Department,
Fort St. George,
Chennai - 600 009.

2.The Managing Director,
Tamil Nadu State Transport Corporation Limited,
Kumbakonam Division,
Kumbakonam - 612 001.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, to call for the records in respect of the order in C.P.No.6 of 2018, dated 07.12.2018 issued by the Labour Court, Kumbakonam and quash the same and consequently, direct the first respondent to pay pension to the petitioner @ Rs.7,850/- which amount is the minimum pension fixed by the Tamil Nadu Government vide G.O.No.313/2017, dated 25.10.2017 from the date of 01.05.1979 along with interest and with future retirement benefits.

For Petitioner : Mr.I.Murugesan
for Mr.V.Chinnasamy

For R - 1 : Mr.P.Subbaraj
Government Advocate

For R -2 : Mr.D.Sivaraman

ORDER

Originally, one G.Krishnamoorthy filed the present Writ Petition. Pending the Writ Petition, he died. Hence, his wife K.Radha was substituted in the place of G.Krishnamoorthy, by an order of this Court, dated 23.06.2021, made in W.M.P(MD)No.3510 of



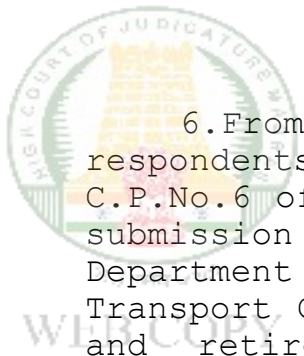
2021. The said G.Krishnamoorthy is hereinafter referred to as an 'employee'.

2.The employee has filed the present Writ Petition, to quash the order in C.P.No.6 of 2018, dated 07.12.2018, passed by the Labour Court, Kumbakonam and to direct the first respondent to pay pension to the employee @ Rs.7,850/-, which is the minimum pension amount fixed by the Tamil Nadu Government, vide G.O.No.313/2017, dated 25.10.2017 from 01.05.1979, along with interest and future retirement benefits.

3.According to the employee, he was appointed as a Fitter in a Private Bus Transport, namely, Sri Sakthi Vilas Bus Service, on 01.03.1962. In the year 1969, all the private bus companies, which were having 50 and above number of buses, were Nationalized by the then Tamil Nadu Government along with employees and assets. As such, the employee has become a Government employee. Subsequently, the Government of Tamil Nadu created Transport Corporations by deputing its workers for the effective administration and all the employees, who opted to join in the Transport Corporations, will be paid all the monetary benefits equal to the Government servants and also assured that those persons, who have joined in the Government Transport Department and completed 10 years of service on or before 01.04.1982, will be paid Government pension from the date of their completion of 10 years of service and also will be paid monthly wages for their service in the Transport Corporation simultaneously. On such assurance, all the employees throughout Tamil Nadu Transport Departments have submitted their option letters. Even though the Government said that the Transport Corporations were created from 01.03.1972, this Court and the Hon'ble Supreme Court did not accept that date and the Hon'ble Supreme Court fixed the cut-off date as 01.04.1982. In view of the fact, the Transport Department obtained option letters from the employees till the month of June, 1982.

4.Further, according to the employee, he was working from the date of Nationalization and completed 10 years of service on 30.04.1979 and therefore, he was entitled to get pension from the Government from 01.05.1979. The Government did not grant pension inspite of repeated requests. Hence, the employee filed a claim petition in C.P.No.8 of 2014 on the file of the Labour Court, Cuddalore. The said petition was transferred to the Labour Court, Kumbakonam and re-numbered as C.P.No.6 of 2018. The Labour Court, Kumbakonam, by an Award, dated 07.12.2018, dismissed the claim petition. Challenging the same, the employee has come forward with the present Writ Petition.

5.Heard the learned counsel appearing on either side and perused the entire materials available on record.



6.From the materials available on record, it is seen that the respondents have filed counter-statement in the claim petition in C.P.No.6 of 2018 before the Labour Court, Kumbakonam and denied the submission of the employee that he worked in the State Transport Department for 10 years. Initially, the employee worked in Cholan Transport Corporation from 24.05.1974 and regularized on 01.05.1975 and retired from service on 30.06.1994. The Labour Court, Kumbakonam, dismissed the claim petition on the ground that the employee already filed a Writ Petition in W.P.No.15435 of 2015 for the very same relief. The learned counsel appearing for the petitioner has not denied the same and submitted that the said Writ Petition filed by the employee is pending before the Principal Bench of this Court. In view of the pendency of the Writ Petition, there is no error in the Award, dated 07.12.2018, made in C.P.No.6 of 2018, passed by the Labour Court, Kumbakonam, dismissing the Claim Petition.

7.For the above reasons, this Writ Petition is dismissed. No costs.

Sd/-

Assistant Registrar(CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

ps

Note :

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

To

1.The Commissioner & Secretary,
Transport Department,
Fort St. George,
Chennai - 600 009.



2.The Managing Director,
Tamil Nadu State Transport Corporation Limited,
Kumbakonam Division,
Kumbakonam - 612 001.

WEB COPY

+1 CC to M/s.I.MURUGESAN, Advocate (SR-20592[F] dated 29/06/2021)

W.P (MD) No.23911 of 2019
29.06.2021

KMK (CO)
TR(09.07.2021) 4P 4C