



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on	:	11.01.2022
Pronounced on	:	25.01.2022

CORAM :

THE HONOURABLE MR. JUSTICE PARESH UPADHYAY
AND
THE HONOURABLE MR. JUSTICE SATHI KUMAR SUKUMARA KURUP

W.A.No.34 of 2022
and C.M.P.Nos. 444 & 448 of 2022

Management Tamil Nadu Slum Clearance Board,
(Now renamed as Urban Habitat Development Board),
No.5, Kamarajar Salai,
Chennai - 600 005. ..Appellant/Petitioner

vs

S.Sundararaman ..Respondent/Respondent

Appeal preferred under Clause 15 of Letters Patent
against the order dated 06.01.2021 made in W.P.No.20451 of
2020.

Prayer in W.P.No.20451 of 2020: Writ Petition under Article
226 of the Constitution of India praying that in these
circumstances stated therein and in the affidavit filed
therewith the High Court will be pleased to issue a Writ of
Certiorarified Mandamus or any other writ in the similar
nature, to call for the records relating to order of the
respondent dated 17.09.2020 bearing Rc.No.33/S29/2020 and to
quash the same and to direct the respondent to pay the
Pension/ Family Pension to the petitioner from 01.03.2011 the
date of super annuation and along with gratuity with all other
terminal benefits with eligible interest.

For Appellant : Mr.P.Kumaresan,
Additional Advocate General,
assisted by
Mr.R.Krishna Prasad

For Respondent : Mrs.Kanimozhimathi



JUDGMENT

(Per: PARESH UPADHYAY, J.)

Challenge in this appeal is made by the Management to the order dated 06.01.2021 recorded on W.P.No.20451 of 2020.

2. Learned advocate for the appellant has submitted that the impugned order passed by learned single Judge is erroneous and the same be interfered with. Serious grievance is made that though the workman was not entitled to any relief, direction is given to pay pension to the respondent / workman with effect from 01.03.2011. In support of this submission, merits of the award of the Labour Court is also gone into by the learned advocate which we have noted since this appeal was heard along with W.A.No.36 of 2022 and W.A.No.3080 of 2021. It is submitted on behalf of the appellant that the award of the Labour Court was unsustainable and therefore direction to pay pension, which is consequential, also is unsustainable. It is submitted that the appeal be entertained.

3. On the other hand, learned advocate for the respondent/ workman has submitted that though the workman has crossed the age of superannuation before more than a decade, even now, not only his legal dues are not paid but even pensionary benefits are also not finalised. It is submitted that learned single Judge can not be said to have fallen in any error while recording the impugned order and therefore no interference be made in this appeal.

4. It is noted that this appeal was heard along with W.A.No. 36 of 2022 and W.A.No. 3080 of 2021 and separate orders are being recorded on those appeals.

5. So for the present appeal is concerned, having heard the learned advocate for the appellant and learned advocate for the respondent/ workman, this Court finds as under:

5.1 The subject matter of this appeal is whether the workman should be paid pension or not. Therefore it needs to be ascertained whether he is entitled to pension or not. The only argument pressed into service is that the very reinstatement of the workman is questioned by the Management which is the subject matter of W.A.No.36 of 2022. Therefore, it needs to be seen, what is the fate of W.A.No. 36 of 2022.

5.2 If the reinstatement of the respondent / workman with consequential benefits is interfered with, he would not be entitled to retirement dues including pension. But if W.A.No.36 of 2022 is dismissed, as the necessary consequence thereof, no interference can be made in the direction of learned Single Judge to pay pension to the workman which is questioned in this appeal.



5.3 We note that W.A.No.36 of 2022 is dismissed today by a separate judgment / order. The reinstatement of the workman with consequential benefit is not interfered with, by the said order. As the necessary consequence, no interference needs to be made in this appeal as well.

5.4 The reasons recorded in the order dismissing W.A.No.36 of 2022 be treated as additional reasons for dismissing this appeal as well.

6. For the above reasons, this writ appeal (W.A.No.34 of 2022) is dismissed. No costs. Consequently, connected miscellaneous petitions are disposed of.

Sd/-

Assistant Registrar (CS-II)

//True Copy//

Sub Assistant Registrar

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To

The Secretary,
Tamil Nadu Slum Clearance Board (Management),
(Now renamed as Urban Habitat Development Board),
No.5, Kamarajar Salai,
Chennai - 600 005.

+1cc to Mr.R.Krishna Prasad, Advocate SR. No.4263
+1cc to M/s. Kanimozhi Mathi, Advocate SR. No.4409

W.A.No.34 of 2022

GPL (CO)
PR (09/02/2022)