



W.P.No.5939 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.11.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.5939 of 2019

M.Arumugam

... Petitioner

Vs.

1.The Managing Director,
Tamil Nadu State Transport Corporation (Salem) Limited
No.12, Ramakrishna Road, Salem 636007.

2.The Administrator,
Tamil Nadu State Transport Corporation (Salem) Ltd.,
Pension Fund Trust, Thiruvalluvar House,
Pallavan Salai, Chennai – 600 002.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to re-fix the petitioner qualifying service as 32 ½ years by giving effect to the modification of punishments and calculate the pension and other benefits based on the re-fixation.

For Petitioner : Mr.T.Ananthasekar

For Respondents : Mr.R.Babu



W.P.No.5939 of 2019

ORDER

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The relief sought for in the present writ petition is to direct respondents to re-fix the petitioner's qualifying services 32 and half years by giving effect to the modification of punishments and calculate the pension and other benefits based on the re-fixation.

2. The petitioner served as a Conductor and retired from service. After retirement, the present writ petition is filed, seeking relief to count qualifying services by modifying the punishment. The punishment imposed long back cannot be modified for the purpose of re-fixing the pension. It is not in dispute that the punishment imposed on the petitioner became final and therefore, modification of punishment in the present writ petition would not arise at all.

3. Regarding the calculation of qualifying services, the authorities have verified the Service Records and accordingly, settled the pension. If at all any discrepancy in calculation or otherwise, the petitioner has to go for an adjudication before the Labour Court with reference to the documents and evidence available. Contrarily, the relief as such sought for to direct the



W.P.No.5939 of 2019

respondents to re-fix the petitioner's qualifying services as 32 and half years by giving effect to the modification of punishment cannot be granted.

4. Thus, the petitioner has not established any right for the purpose of considering the relief and if at all any discrepancy in respect of calculating the qualifying services are identified, the petitioner has to go for an adjudication under the provisions of the Industrial Dispute Act, 1947, since the service conditions are governed under the 12(3) Settlement.

5. Accordingly, the Writ Petition stands dismissed. No costs.

24.11.2022

Jeni

Index : Yes

Speaking order



W.P.No.5939 of 2019

To

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W.P.No.5939 of 2019

S.M.SUBRAMANIAM, J.

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W.P.No.5939 of 2019

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