



WEB COPY

W.P.No. 2919 of 2016



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.11.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No. 2919 of 2016

1. K. Alagesan (deceased)
2. A. Amudha
3. A. Sampath Kumar
4. A. Devi
5. A. Gomathi
(P2 to P5 substituted as legal
heirs of deceased sole petitioner
vide order dated 13.04.2022
made in WMP.No. 8836 of 2022
in W.P.No. 2919/2016 by VPNJ)

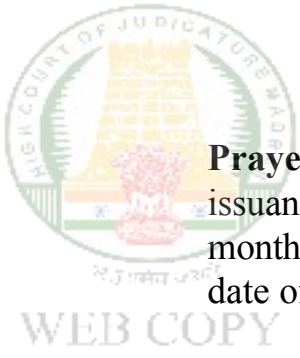
... Petitioners

Vs.

1. The Managing Director,
Metropolitan Transport Corporation (Chennai Ltd.)
Pallavan Salai,
Chennai – 600 002.

2. The Administrator,
Tamilnadu State Transport Corporation,
Employees Pension Fund Trust,
Thiruvallur House,
Pallavan Salai, Chennai.

... Respondents



Prayer: Writ Petition filed Under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the first respondent to sanction the monthly pension and to pay the arrears of pension to the petitioners from the date of superannuation, that is from 01.05.2013.

For Petitioners	: Ms. D. Leelavathi
For Respondents	: Mr. R. Balaji for R1 Mr. C.S.K. Sathish for R2

ORDER

The relief sought for in the present writ petition is to direct the first respondent to sanction the monthly pension and to pay the arrears of pension to the petitioners from the date of superannuation, that is from 01.05.2013.

2. The first petitioner states that he served as Tradesman in the respondent State Transport Corporation from 13.03.1978. He was removed from service and therefore, he approached the Labour Court in I.D.No. 513 of 2010. The Labour Court passed an award on 07.09.2012, holding that the order of removal from service issued against the petitioner was against the principles of natural justice and in violation of Section 25 F of the I.D. Act, 1947. However, in lieu of reinstatement in service, the respondent management was directed to give a compensation of Rs.5,00,000/- to the



petitioner. Therefore, the petitioner was not reinstated in service. In respect of compensation, the learned counsel for the petitioner has stated that after deducting P.F, P.R.B.F and other amounts, the respondents have settled a sum of Rs.4,28,072/- to the writ petitioner. Pension due to the petitioner has also not been settled. Thus, submitted a representation on 30.11.2015, which was not considered.

3. As per the award of the Labour Court, the petitioner was not reinstated in service. In lieu of reinstatement, a compensation was paid to the writ petitioner, which was already settled. Therefore, the petitioner if at all eligible for pension or otherwise, in accordance with the rules, the respondents have to ascertain his eligibility and take necessary steps. However, regarding the eligibility or otherwise in view of the award of the Labour Court, the petitioner, if aggrieved, has to approach the Labour Court for adjudication of issues. Disputed issues cannot be adjudicated in writ proceedings under Article 226 of the Constitution of India. The petitioner was not allowed to retire from service. Contrarily, he was granted compensation in lieu of reinstatement. This being the factum established, other service benefits, if any, to be paid to the writ petitioner, is to be ascertained by the respondents and appropriate actions are to be taken. If the



petitioner is having any other grievance in respect of other service benefits, he has to approach the Labour Court in the manner known to law.

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4. With this observation, the writ petition stands disposed of. No costs.

04.11.2022

mrn

Index : Yes / No

Speaking order / Non-Speaking order

To

1. The Managing Director,



W.P.No. 2919 of 2019



Metropolitan Transport Corporation (Chennai Ltd.)
Pallavan Salai,
Chennai – 600 002.

2. The Administrator,
Tamilnadu State Transport Corporation,
Employees Pension Fund Trust,
Thiruvallur House,
Pallavan Salai, Chennai.

S.M.SUBRAMANIAM, J.



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