



W.P.(MD)No.4004 of 2020

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.12.2022

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.4004 of 2020
and W.M.P(MD)No.3396 of 2020

1. Thenpaguthi Pokkuvarathu Kalagangalin
Oyvu Petra Olliyargal Nalasangam
(Reg.No.189/2018),
Rep. By its Authorised Person
Mr.V.Govindaraj

2. Tirunelveli Thoothukudi Mavatta Arasu
Pokkuvarathu Oyvu Petra Thozhilalar Nalasangam,
(Reg.No.147/2019),
Rep. By its Authorised Person,
Mr.A.Mariappan

3. Tamil Nadu Pokkuvarathu Kalaga
Oyvu Petra Thozhilalar Kootamaippu
(Reg.No.744/2018),
Rep. By its Authorised Person,
Mr.Francis Selvaraj

4. Tamil Nadu Aasu Pokkuvarathu Kalaga
Oyvu Petror Nalasangam
(Reg.No.97/2012),
Rep. By its Authorised Person,
Mr.R.Sankaran



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5. Oyvu Petra Pokkuvarathu Kalaga
Paniyalargali Pothunalasangam
(Reg.No.356/2012)
Rep. By its Authorised Person,
Mr.K.Chandrasekaran

6.Tamizhaga Pokkuvarathu Kalagangalin
Oyvu Petra Ooliyargalin Nalasangam,
(Reg.No.170/2005),
Rep. By its Authorised person,
Mr.R.Selvaraj

7.Pokkuvarathu Kalaga
Oyvu Petra Paniyalar Nalasangam,
(Reg.No.156/2008),
Rep. By its Authorised Person
Mr.S.Shanmugam

8.Kovai Pokkuvarathu Kalaga
Oyvuthiyatharargal Sangam,
(Reg.No.178/2019),
Rep. By its Authorised Person,
Mr.P.Gurunathan

9.Tamil Nadu Pokkuvarathu Kalaga
Oyvu Petra Aluvalargal Sangam (Salem),
(Reg.No.118/2013),
Rep. By its authorised person,
Mr.M.S.Sellandi

10. Pokkuvarathu Kalaga Oyvu Petra
Aluvalar Nalasangam (Kovai),
(Reg.No.269/2011),
Rep by its Authorised Person,
Mr.R.Jayaraman



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Vs.

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1. The State of Tamil Nadu
Rep by its Chief Secretary,
Secretariat,
St.George Fort,
Chennai.

2.The State of Tamil Nadu,
Rep. By its Principal Secretary to Government,
Finance Department,
Secretariat, St.George Fort,
Chennai

3. The State of Tamil Nadu,
Rep. By its Principal Secretary to Government,
Transport Department,
Secretariat,
St.George Fort,
Chennai

4. The Administrator,
Tamil Nadu State Transport Corporation,
Employees Pension Fund Trust,
Thiruvalluvar House,
No.2, Pallavan Salai,
Chennai 600 002.

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

6. The Managing Director,
State Express Transport Corporation (TN) Ltd.,
Thiruvalluvar House,
No.2, Pallavan Salai, Chennai – 600 002.

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7. The Managing Director,
Tamil Nadu State Transport Corporation (Villupuram) Ltd.,
3/137, Salamedu,
Valludha Reddy Post,
Villupuram – 605 002.

8. The Managing Director,
Tamil Nadu State Transport Corporation (Kumbakonam) Ltd.,
27, Railway Station New Road,
Kumbakonam – 612 001.

9. The Managing Director,
Tamil Nadu State Transport Corporation (Salem) Ltd.,
12, Ramakrishna Road,
Salem 636 007.

10. The Managing Director,
Tamil Nadu State Transport Corporation (CBEU) Ltd.,
37, Mettupalayam Road,
Coimbatore – 641 043.

11. The Managing Director,
Tamil Nadu State Transport Corporation (Madurai) Ltd.,
By Pass Road, Madurai – 625 010. ... Respondents

Prayer:Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents 1 and 2 to sanction the deficit fund to Tamil Nadu State Transport Corporation Employees Pension Fund Trust in conformity with Clause 37(b) of the Section 12(3) (Industrial Disputes Act, 1947) settlement dated 13.04.2015 and Clause 41(a) of the Section 12(3) (Industrial disputes Act, 1947) settlement dated 04.01.2018 and consequently to direct the



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third and fourth respondents to disburse the eligible pensionary benefits including dearness allowance on par with serving employees of the State Transport Corporation w.e.f 01.09.2013 as per the 12(3) settlement dated 13.04.2015 within the period as may be stipulated by this Court.

For Petitioners	: Mr.C.Venkatesh Kumar
For R1 to R3	: Mr.S.P.Maharajan Spl. Government Pleader
For R4	: Mr.Veera Kathiravan Additional Advocate General(III) Assisted by Mr.S.C.Herold Singh
For R11 & R5	: No appearance

ORDER

This writ petition has been filed for a direction to the respondents 1 and 2 to sanction the deficit fund to Tamil Nadu State Transport Corporation Employees Pension Fund Trust in conformity with Clause 37(b) of the Section 12(3) (Industrial Disputes Act, 1947) settlement dated 13.04.2015 and Clause 41(a) of the Section 12(3) (Industrial disputes Act, 1947) settlement dated 04.01.2018 and for consequential direction to the third and fourth respondents to disburse the eligible pensionary benefits including dearness allowance on par with serving employees of the State Transport Corporation w.e.f 01.09.2013 as per the



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12(3) settlement dated 13.04.2015 within the period as may be stipulated by this Court.

2. The petitioner associations consist of retired employees in the various cadres of the Tamil Nadu State Transport Corporations. The Government of Tamil Nadu agreed to introduce a pension scheme to the Employees of the State Transport Corporations on par with the Government Employees. The scheme was accepted to be implemented on 01.09.1998 in the wage settlement reached on 13.02.1999 between Trade Unions and Management under Section 12(3) of the Industrial Disputes Act, in line with which a pension scheme on par with Government employees is being implemented to the retired employees of State Transport Corporation with effect from 01.09.1998. Subsequently, the Tamil Nadu State Transport Corporation Employees Fund Rules were framed. The Tamil Nadu State Transport Corporation Employees Pension Fund Trust is the nodal agency for implementation of the pension scheme to the retired employees of State Transport Corporations. The State Transport Corporations are left with shortage of funds to meet out regular



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commitments including pension payments and periodical dearness allowance to be paid to its pensioners. The State Government has so far not sanctioned any financial subsidy to offset the deficit in TNSSTC Employees pension fund as agreed under the terms of the wage settlements between the management and trade unions of the State Transport Corporations under Section 12(3) of the Industrial Disputes Act, 1947, dated 13.04.2015 and 04.01.2018. Thereby, the petitioner associations gave representation dated 25.11.2019 to the respondents for the implementation of 12(3) settlement dated 13.04.2015. However, the representation was not considered and till date no order was passed. Therefore, the petitioner associations have filed the present writ petition with the aforesaid prayer.

3. The learned counsel appearing for the petitioners would submit that it would suffice, if the second respondent is directed to dispose of the representation of the petitioners, dated 25.11.2019, on merits and in accordance with law, within a specified period.



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4. The learned Special Government Advocate appearing for the respondents 1 to 3 has no serious objection for such an order being passed by this Court.

5. Considering the limited request made by the learned counsel for the petitioners, this Court, without going into the merits of the matter, directs the second respondent to consider the petitioners' representation, dated 25.11.2019 and pass appropriate orders, on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.

6. With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

19.12.2022

Index : Yes/No
Internet : Yes/No
CM



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To,

1. The Chief Secretary,
Secretariat,
St.George Fort,
Chennai.

2. The Principal Secretary to Government,
Finance Department,
Secretariat, St.George Fort,
Chennai

3. The Principal Secretary to Government,
Transport Department,
Secretariat,
St.George Fort,
Chennai



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M.DHANDAPANI,J.

CM

W.P.(MD)No.4004 of 2020
and W.M.P(MD)No.3396 of 2020

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