



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No.5786 of 2020

and

W.M.P (MD) No.5055 of 2020

WEB COPY

T.Ramasamy

... Petitioner

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 Ltd.,
Kumbakonam District,
Kumbakonam -612 001.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of Certiorarified Mandamus, to call for the records in respect of the order in C.P.No.4/2018 dated 07.12.2018 by the Labour Court, Kumbakonam and quash the same and consequently, direct the 1st 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.Ms.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 R1	:	Mr.A.K.Manikkam
		Special Government Pleader
For R2	:	Mr.P.Balasubramaiaam

ORDER

This writ petition has been filed challenging the order dated 07.12.2018 passed in C.P.No.4 of 2018 by the Labour Court, Kumbakonam and consequently direct the first respondent to pay pension to the petitioner at Rs.7,850/-.

2.The petitioner states that he was appointed as Carpenter in a Private Bus Transport viz., Sri Sathivilas Bus Service, in the year 1962 and thereafter, he was absorbed as a Transport Corporation Employee of the Tamil Nadu State Transport Corporation, Madurai Branch.



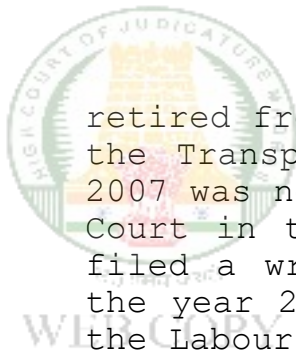
3.The petitioner filed the present writ petition at the age of 74 years. He retired from service on 29.03.1995 under Voluntary Retirement Scheme. He filed a claim petition before the Labour Court, Kumbakonam. The said claim petition was dismissed by the Labour Court on 07.12.2018 on the ground that the petitioner has already filed a writ petition before the Principal Bench of Madras High Court in W.P.No.18797 of 2016 and the said writ petition is pending and therefore, the petitioner again filed a claim petition with the same prayer before the Labour Court. Accordingly, the petition was dismissed by the Labour Court. Challenging the said order, the present writ petition is filed before this Court in W.P (MD)No.5786 of 2020.

4.This Court granted time for the respective counsel to verify whether the said writ petition is pending before the Principal Seat or not. The learned counsel for the Transport Corporation as well as the learned Special Government Pleader appearing for the first respondent made a submission that the writ petition before the Principal Bench in W.P.No.18797 of 2016 filed by the writ petitioner is still pending. The learned counsel for the Transport Corporation furnished a copy of the information generated from the website that the writ petition is pending.

5.The learned counsel for the Transport Corporation made a submission that the petitioner is not eligible for any such amount and intimation was also given on 31.07.2007 itself. The said order of rejection dated 21.05.2007 was also communicated to the writ petitioner, during the relevant point of time. The said order was also not challenged in the year 2007. Contrarily, the petitioner filed a fresh writ petition before the Principal Bench in W.P.No.18797 of 2016 and the said writ petition is also pending. The claim petition was filed in the year 2011 and due to bifurcation, it was renumbered in the year 2018 as C.P.NO.4 of 2018. Thus, during the pendency of the claim petition, the petitioner filed a writ petition before the Principal Bench of this Court for the very same relief. In view of the fact that the writ petition is pending, the Labour Court dismissed the petition. He filed another writ petition challenging the labour Court order before this Court.

6.The litigant adopting such a procedure is abuse of judicial process. Several such writ petitions were dealt with by this Court. For the same cause, writ petitions are filed before the Principal Bench and Madurai Bench of this Court. Such conduct of the litigant is viewed seriously. It is brought to the notice of this Court that actions are to be initiated against such litigants and exemplary cost is to be imposed.

7.The petitioner retired from service in the year 1995 under Voluntary Retirement Scheme. His claim petition was rejected by the Transport Corporation in the year 2007 itself. The petitioner



retired from service even before implementation of pension scheme by the Transport Corporation. The rejection order passed in the year 2007 was not challenged. He filed a claim petition before the Labour Court in the year 2011, which was renumbered in the year 2018. He filed a writ petition before the Principal Bench of this Court in the year 2016, again he filed the present writ petition challenging the Labour Court order before this Court. The present writ petition is filed by the petitioner at the age of 74 years. Therefore, the writ petition is frivolous and the basic facts reveal that the writ petitioner has abused the judicial process. Even on merits, the petitioner has not established that he is entitled for the relief. Considering the fact that the petitioner is aged about 76 years, this Court is not inclined to impose any cost.

8. With the above observation, this Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (W)

// True Copy //

/ /2022

Sub Assistant Registrar (CS)

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

COPY TO:

THE JUDGE,
LABOUR COURT, KUMBAKONAM.

+1 CC to M/s.I. MURUGESAN, Advocate (SR-22137[F] dated 28/04/2022)

+1 CC to M/s.P.BALASUBRAMANIAN, Advocate (SR-22281[F]
dated 28/04/2022)

+1 CC to M/s.SPL. GP (SR-22988[F] dated 29/04/2022)

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