



W.P.(MD)No.10013 of 2015

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.11.2022

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THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD)No.10013 of 2015

G.Durairaj

... Petitioner

vs.

1.The Branch Manager,
State Express Transport Corporation,
Madurai.

2.Senior Deputy Manager (HRD),
State Express Transport Corporation
Tamil Nadu Limited,
Pallavan Salai, Chennai-600 002.

... 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 L.R.No. 027894/L10/SM/SETC/2014, dated 02.05.2015, issued by the 2nd respondent , to quash the same and consequently, to direct the respondents to pay the petitioner pension from the date of his superannuation and to settle all terminal benefits including gratuity, PF, leave benefits and the salary payable to petitioner from 29.02.2008 to 31.05.2010 as per the revised salary within a time frame to be fixed by this Court.



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For Petitioner : Mr.D.Geetha

For Respondents : Mr.K.Sathiya Singh

ORDER

This writ petition is filed to quash the impugned order, dated 02.05.2015, wherein it is stated as under:

“With reference to the orders in High Court orders dated 23.12.2014 WP No.21174/2014 you are hereby informed that.

1.Back wages of Rs.5,75,996/- for the period from 30.09.1994 to 30.09.2009 have been settled vide Cheque No.184187, dated 21.01.2012.

2.Gratuity amount of Rs.1,21,064/- has already been settled.

3.Action is being taken to settle leave salary.

4.PF amount will be settled shortly.

5.You are not eligible for pension as you had not rendered 10 years of qualifying service”.

2.The contention of the petitioner is that the Labour Court has not granted any monetary benefits, but granted continuity of service and the respondents have not taken such period where it has granted continuity of service also.



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3.The learned Standing Counsel appearing for the respondents submitted that the respondents have not deducted any contribution from the petitioner. In such circumstances, the petitioner is not entitled to any pension.

4.This contention cannot be accepted. The authority has repeatedly taken such a stand. This Court and other several Courts have directed the corporation to remit the contribution of the employer to the pension trust. If the petitioner has not remitted their contribution then the petitioner is not entitled to pension from their contribution alone. Therefore, the respondents are directed to remit their contribution to the pension trust including continuity of service period. From that amount of contribution, the petitioner is entitled to pension.

5.With the above said observation, the writ petition is disposed of. No costs.

Index : Yes / No
Internet : Yes
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