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WP.No.18797/2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 04.09.2023

CORAM

THE HONOURABLE MR. JUSTICE C.V.KARTHIKEYAN

WP.No.18797/2016

T.Ramasamy

... Petitioner

Versus

The Managing Director
Tamilnadu State Transport Corporation Ltd
Kumbakonam Division, [Formerly of
Cholan Roadways Corporation Ltd]
Kumbakonam 612 001.

... Respondent

Prayer :- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the respondent to consider the petitioner's sincere service of 33 years as a Carpenter in the State Transport Corporation, Kumbakonam and order for payment of pension and other retirement benefits along with interest from the petitioner's date of retirement accumulated from 30.03.1995 with future benefits.

For Petitioner : Mr.V.Chinnasamy

For Respondent : Mr.C.Senapathi



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ORDER

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- (1) The writ petition has been filed in the nature of a mandamus seeking a direction to the respondent, Tamil Nadu State Transport Corporation, Kumbakonam Division, to consider the petitioner's service of 33 years as Carpenter and grant payment of pension and other retirement benefits from the date of petitioner's retirement on 30.03.1995 together with future benefits.
- (2) The petitioner herein had been originally appointed as Carpenter in SVBS Private Bus Transport on 01.05.1969. That particular Bus Transport Corporation Service was nationalised by the Government of Tamil Nadu on 01.03.1972. The petitioner then joined the respondent on daily wages as Carpenter. His services were finally regularised on 01.05.1975 and his scale of pay was fixed granting basic pay, increment and other benefits. The petitioner then took voluntary retirement and severed his connections with the respondent. He then approached the Labour Court seeking necessary relief by filing a Computation Petition in the year 2011. Thereafter, there was a bifurcation of the Labour Court and it was finally renumbered as



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CP.No.4/2018. During the pendency of the Claim Petition, the petitioner also filed WP.[MD] No.5786/2020, again seeking a direction to the respondent to pay pension to the petitioner.

- (3) The petitioner placed reliance on G.O.Ms.No.42, dated 27.05.2005. it is claimed that those who were in service for a period of 10 years as on 01.04.1982 to be brought into service for which pension would be granted. The petitioner claims that since he had been absorbed in the respondent in the year 1972, as on 1982, he had put in 10 years of service and therefore, his service should be so considered for grant of pension. However, the fact is that the petitioner was absorbed only in the year 1975 and therefore, as on 1982, he had put in only 7 years of service. Noting all these facts, a Learned Single Judge in the Madurai Bench, by an order dated 28.04.2022, dismissed WP[MD] No.5786/2020. It is also seen that even when that writ petition had been filed, the present writ petition itself was also pending, which had been filed in the year 2016. Thus, the petitioner appears to have not only filed a Computation Petition before the Labour Court, but a writ petition before the Madurai Bench and another writ petition before



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this Court seeking practically the same relief, namely, to consider his service as being regularised from 1972 till 1892 and therefore, seeking the benefit of G.O.Ms.No.42 dated 27.05.2005 and seeking pension to be paid.

- (4) The Labour Court had dismissed CP.No.4/2018 on the ground that the writ petition was pending before the Madurai Bench. The Madurai Bench, however, examined the issues on merits and had very specifically stated as follows:-

"7...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."

- (5) It is thus seen that the issues raised by the petitioner had been addressed by the Madurai bench of this Court and this Court cannot sit in appeal or as a revisional authority over that particular order rendered by the learned Single Judge. In all fairness, the petitioner should have withdrawn the present writ petition since he had already suffered an order of dismissal before the Madurai Bench. Learned counsel for the petitioner however insisted that since the petitioner



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had put in 10 years of service till 1982 and taking into consideration his age, the petitioner should be granted pension for the services rendered. But the fact is that his services were regularised only in the year 1975 and therefore, he had not put in 10 years of service as on 1982. Let me also go back to the very same reason for not imposing costs, namely, the age of the petitioner herein.

(6) The writ petition stands **dismissed**. No costs.

04.09.2023

AP

Internet : Yes

To

The Managing Director
Tamilnadu State Transport Corporation Ltd
Kumbakonam Division, [Formerly of
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C.V.KARTHIKEYAN, J.,



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