



WEB COPY



W.P.No. 9950 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.06.2023

CORAM:

THE HONOURABLE **MRS. JUSTICE V.BHAVANI SUBBAROYAN**

W.P.No.9950 of 2019

C. Munirathinam

.. Petitioner

Versus

1. The Secretary to Government,
Transport Department,
Fort ST. George,
Chennai 600 009.

2. The Managing Director,
M.T.C. Ltd.
Formerly Pallavan Transport Corporation Ltd.,
Pallavan House, Chennai 600 002.

.....Respondents

Prayer: This writ petition is filed seeking a Writ of certiorarified Mandamus calling for the records in respect of the order in C.P.No,357/2015 dated 23.06.2016 passed by the Hon ble I Additional Labour Court, Chennai 104 quash the same and consequently direct the II respondent to pay pension to the petitioner at Rs.7,850 which amount is the minimum pension fixed by the Government vide G.O.No.313/2017 dated 25.10.2017 from the date of his retirement along with interest and with future retirement benefits and pass orders.



W.P.No. 9950 of 2019

For Petitioner : Mr. V. Chinnasamy
For Respondent-1 : Mrs. Akila Rajendran
Government Advocate
For Respondent-2 : Mr. A. VinothRaj
Standing Counsel

ORDER

This writ petition is filed seeking a writ of certiorarified Mandamus calling for the records in respect of the order in C.P.No,357/2015 dated 23.06.2016 passed by the Hon ble I Additional Labour Court, Chennai 104 quash the same and consequently direct the II respondent to pay pension to the petitioner at Rs.7,850/- which amount is the minimum pension fixed by the Government vide G.O.No.313/2017 dated 25.10.2017 from the date of his retirement along with interest and with future retirement benefits and pass orders.

2. The case of the petitioner is that the petitioner was appointed as a conductor in the Transport Department of Tamil Nadu Government vide letter No.11059/P.111/P.T.C/73 dated 09.08.1973 and he retired on



W.P.No. 9950 of 2019

30.04.1998 on voluntary retirement. The grievance of the petitioner is that he has worked in the second respondent organisation for more than 10 years and he is eligible for pension, whereas the same was denied inspite of repeated request made by the petitioner. Therefore the petitioner has filed C.P.No.357 of 2015 before the learned Judge, I Additional Labour Court, Chennai and the same was dismissed vide order dated 23.06.2016. Aggrieved over the same the petitioner has filed this petition.

3. The learned counsel for the petitioner submits that the petitioner has served in the organisation for more than 20 years and he is entitled for pension. He further submitted that the learned Judge failed to consider the vital aspects such as years of service and applicability of relevant Government Orders while passing the impugned order. He further submitted that the Supreme Court had held that the worker who had worked for ten years in the Transport Department as on 01.04.1982 were entitled to pension. Hence the petitioner is entitled for pension and prays this Court to set aside the impugned order and allow this petition.



W.P.No. 9950 of 2019

WEB COPY

4. The learned Government Advocate appearing for the first respondent would submit that as per the Service book, the petitioner was employed only after formation of Transport Corporation and the service rendered by him was only to Pallavan Transport corporation and not to the Government. The Hon'ble Supreme court has clarified that only those who have put in 10 years of service as on 01.04.1982 in the State Government alone will be entitled for pension. The petitioner was not at all an employee under State Government and hence he is not eligible for pension. Therefore prayed this Hon'ble Court to dismiss the present petition.

5. Heard both sides and perused the materials available on records.

6. On perusing the records it is made clear that the persons who have put in service for a minimum period of ten years of services as on 01.04.1982 in the State Government were entitled for pension, whereas the petitioner herein had worked only in the Transport Corporation that too for a period less than 10 years as on 01.04.1982, hence he is not entitled to Government pension. Further more, the respondents have submitted that the petitioner was not appointed by the first respondent,



W.P.No. 9950 of 2019

WEB COPY

whileso, the burden of proof lies on the petitioner to prove the fact that the petitioner was employed by State Government in the year 1973. But the petitioner has not produced any evidence to show that he is eligible to get pension.

7. To arrive at a conclusion other than the one arrived by the Court below, the petitioner has to let in proof that he was employed by the first respondent or any other documents to substantiate his case that he is eligible for pension, but the petitioner failed to do so. Hence in the absence of any materials, this writ petition fails and deserves to be dismissed.

8. In view of the forgoing reasons this writ petition being devoid of merits is dismissed and the order passed in C.P.No,357/2015 dated 23.06.2016 by the Hon'ble Additional Labour Court, Chennai 104 is confirmed. No order as to costs.

14.06.2023

Speaking order : Yes/No
Neutral citation : Yes/No
Index : Yes/No
smn



W.P.No. 9950 of 2019

WEB COPY To

1. The Secretary to Government,
Transport Department,
Fort ST. George,
Chennai 600 009.
2. The Managing Director,
M.T.C. Ltd.
Formerly Pallavan Transport Corporation Ltd.,
Pallavan House, Chennai 600 002.
3. The Section Officer, V.R.Section,
High Court, Madras.



WEB COPY



W.P.No. 9950 of 2019

V.BHAVANI SUBBAROYAN, J.

smn

W.P.No.9950 of 2019

14.06.2023