



W.P.No.11268 of 2019

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.10.2023

CORAM

THE HONOURABLE MRS. JUSTICE **R. HEMALATHA**

W.P.No.11268 of 2019

K.Govindaraj

... Petitioner

Vs.

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

2.The Managing Director,
Tamil Nadu State Transport Corporation
Kumbakonam Limited,
Kumbakonam – 612 001.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records in C.P.No.325/2015 on the file of the II Additional Labour Court, Chennai and direct the first respondent to pay pension to the petitioner at Rs.7,850/- per month as fixed by the Government of Tamil Nadu vide G.O.No.313/2017 dated 25.10.2017 from the date of completion of 10 years Government of service i.e. from 01.03.1982 along with interest and with future retirement benefits.



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For Petitioner : Mr.V.Chinnasamy
For R1 : Mr.M.Shahjahan, SGP
For R2 : Mr.S.Sathya Gandhi, Standing Counsel

ORDER

The writ petitioner was originally appointed as a Fitter in Sri Ramavilas Bus Service, Kumbakonam on 01.09.1963 and when the bus service was taken over by the Government the petitioner was appointed in M/s.Cholan Roadways Corporation Limited, Kumbakonam, on 01.03.1972.

2. The grievance of the writ petitioner is that though he joined the Government service in the year 1963 he has not been paid pension and therefore, he filed an application before the Presiding Officer, II Additional Labour Court, Chennai under Section 33(C)(2) of the Industrial Disputes Act, to quantify the amount payable towards his pension. The learned Presiding Officer, Labour Court vide her orders dated 07.12.2018 held that the petitioner is not entitled to claim pension



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in view of G.O.(Ms).No.96 passed by the Government on 31.07.2015 in which the cut off date was fixed as 01.01.1998 for the purpose of assessing the requisite length of services. The said G.O.(Ms).No.96 also speaks about the classification of employees who were originally working in Tamil Nadu State Transport Department and absorbed in Tamilnadu State Transport Corporation and who had completed 10 years of continuous service in Transport Department.

3. In the instant case, the petitioner was not working in Tamil Nadu State Transport Department and he was working in M/s.Cholan Roadways Corporation Limited, Kumbakonam from 01.03.1972. As per G.O.(Ms).No.96 dated 31.07.2015 the pension rules were formulated and it was given effect from 01.09.1998 and therefore, the present writ petitioner cannot claim pension. The orders in C.P.No.325/2015 dated 07.12.2018 passed by the II Additional Labour Court, Chennai is perfectly in order and I do not see any infirmity in it.



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4. In the result, the Writ Petition is dismissed as devoid of merits. No costs.

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Index: Yes/No
Internet: Yes/No
Speaking/Non-Speaking order
mtl

To

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R. HEMALATHA, J.

mtl

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