



W.P.No.21932 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 16.06.2023

CORAM:

THE HONOURABLE Mr.JUSTICE V.LAKSHMINARAYANAN

W.P.No.21932 of 2014

and

M.P.Nos.1,2,3 of 2015

The Management,  
Metropolitan Transport Corporation,  
Pallavan Salai,  
Chennai - 600 002.

...Petitioner.

Vs.

1.Thiru.S.Dhandapani  
No.11/6, Muthamizh Street,  
Bakthavatchalam Nagar,  
Pazhavanthangal, Chennai - 600 114.

2.The Presiding Officer,  
III Addl. Labour Court,  
City Civil Court Annexure Buildings,  
High Court Compound,  
Chennai - 600 104.

...Respondents.

**Prayer:** Writ Petition is filed under Article 226 of the Constitution of India, to issue writ of certiorari, to call for the records pertaining to the order dated 31.01.2014 made in C.P.No.264 of 2012 on the file of the 2<sup>nd</sup> respondent.



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For Petitioner : Mr.M.Chidambaram  
For Respondents :  
For R1 : Ms.M.D.Leelavathi  
For R2 : Court

### **ORDER**

This writ petition challenges the order in C.P.No.264 of 2012. The workman joined the services of the respondent on 18.03.1981. He was terminated from service, therefore, he raised I.D.No.360 of 2009. The said I.D.No. was allowed on 30.01.2012.

2. The Labour Court stood aside the illegal termination and directed the management to pay 50 per cent of the back wages and other attended benefits. Pending the ID, the workman attained the age of superannuation on 24.05.2012. Despite the same, the management had not paid the basic pay of the petitioner at the time of superannuation. The workman was also not paid bonus or earned leave, in addition to the pension that has been fixed is only the notional pension and not the actual entitlement of the workman.

3. Learned counsel for the management, would submit that the order in I.D.No.360/2009 passed by the III Additional Labour Court dated 31.01.2012 was challenged before this court. However, it ended in a dismissal. Therefore, once the award of the Labour Court has been challenged and the writ petition



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had been dismissed, it is the duty of the management to ensure that the workman got paid his lawful dues. That not having been done the workman approached the labour court by way of this computation petition. I do not find any illegality in the order directing the management to pay a sum of Rs.2,44,542/- @ 12 per cent from the date of petition till the date of realization.

4.Mr.Chidambaram, learned counsel for the petitioner would submit that the entire amount has been deposited. Ms.M.D.Leelavathi, learned counsel appearing for the workman submits that the amount deposited has been withdrawn pursuant to the order of this court. She would only complain the pension amount which the workman is rightly entitled to has not been worked out so far. I have to point out by an order in M.P.Nos.1 to 3 of 2015 in writ petition No.21932 of 2014 dated 14.08.2014, this court had directed the management to process the pension papers of the workman within a period of 8 weeks. Though more than 8 years has passed by, pension could not be fixed because the petitioner has not produced the no objection certificate from the Worker's Employees Co-Operative Society.

5. Learned counsel for the petitioner would further submit that on production of no objection certificate, the petitioner would be granted the full



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pension. Learned counsel for the respondent, Ms.M.D.leelavathi states that the workman would submit the no objection dues from the aforesaid society within a period of three weeks. The writ petitioner/management is granted with two further weeks time to which the no due certificate is produced to finalize the payment and including the arrears if any.

6. With the above directions, this writ petition stands dismissed. No costs. Connected miscellaneous petitions are also closed.

**16.06.2023**

***nst***

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|-----------------------|----------|
| Index                 | : Yes/No |
| Speaking              | : Yes/No |
| Neutral Citation Case | : Yes/No |



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**V.LAKSHMINARAYANAN,J**  
*nst*

To:

The Presiding Officer,  
III Addl. Labour Court,  
City Civil Court Annexure Buildings,  
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Chennai - 600 104.

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