



W.P.No.21564 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.07.2023

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.21564 of 2023

V.Govindarajulu

... Petitioner

Vs.

1. The Secretary,
State Transport Corporation,
Chennai - 600 083.

2. The Managing Director,
Metropolitan Transport Corporation,
Anna Salai, Chennai - 600 002.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus calling for the production of the records relating to the order dated 25.11.2022 made in C.P.No.43 of 2018 passed by the II Additional Labour Court, Chennai, quash the same and direct the respondents to pay the amount claimed by the petitioner in C.P.No.43 of 2018, on the file of the II Additional Labour Court or any other amount with interest within a stipulated date.

For Petitioner : Mr.S.Senthilnathan

For Respondents : Mr.S.John J.Raja Singh
Additional Govt. Pleader for R1



W.P.No.21564 of 2023

WEB COPY

ORDER

This Writ Petition has been filed to call for the records of the order dated 25.11.2022 made in C.P.No.43 of 2018 passed by the learned II Additional Labour Judge, Chennai, quash the same and direct the respondents to pay the amount claimed by the petitioner in C.P.No.43 of 2018, on the file of the II Additional Labour Court or any other amount with interest.

2. The learned counsel for the petitioner submits that he joined as Driver in the first respondent Corporation on 05.08.1971 and he was permanently absorbed on 30.04.1975. Subsequently, the Tamil Nadu State Transport Corporation, i.e., first respondent was wound up and all the employees were absorbed permanently into various Transport Corporation and the petitioner was absorbed in Pallavan Transport Corporation. The petitioner was removed from service for his unauthorised absence on 26.10.1982. Thereafter, he was reinstated again on 31.01.1985 as a fresh entrant. The petitioner retired from service on 30.06.2002. Relying upon the



W.P.No.21564 of 2023

WEB COPY

judgment of the Hon'ble Apex Court in Civil Appeal Nos.1444 to 1445 of 1998, wherein it was held that the cut-off date for treating the service rendered in Tamil Nadu State Transport Corporation as pensionable service was fixed as 01.04.1982. The petitioner contends that since he was appointed in the first respondent Corporation in the year 1971 and was subsequently absorbed in the year 1975, his service was treated to be pensionable service. Accordingly, the petitioner filed a Claim Petition claiming arrears of pension from 01.01.1985 to 30.11.2017 along with interest. The said Claim Petition was rejected by the Labour Court by an order dated 25.11.2022. Challenging the same, the petitioner has filed the present Writ Petition with the aforesaid prayer.

3. The learned Additional Government Pleader appearing for the first respondent submits that the judgment of the Hon'ble Apex Court relied upon by the petitioner is not applicable to the petitioner, because the petitioner though was absorbed permanently in the Pallavan Transport Corporation in the year 1975, he was unauthorisedly absence from duty



W.P.No.21564 of 2023

WEB COPY

between 1982 and 1985, for which, he was removed from the rolls of the Corporation. Thereafter, he was reinstated on 31.01.1985 as a fresh entrant and retired from service on 30.06.2002. Hence, the petitioner cannot said to be on the rolls of the Corporation as on 01.04.1982 which was the cut-off date fixed by the Hon'ble Apex Court. The learned counsel for the respondent therefore seeks for dismissal of the Writ Petition.

4. I have considered the said submissions made by the learned counsel appearing for the parties and have perused the materials placed before this Cort.

5. It is not in dispute that the petitioner had joined in the first respondent Corporation in the year 1971. However, due to unauthorised absence, he was removed from service in the year 1982 and he was again reinstated in the year 1985 as a fresh entrant. Therefore, the judgment of the Hon'ble Apex Court wherein the cut-off date was fixed as 01.04.1982 for the service rendered in the Tamil Nadu State Transport Corporation as



W.P.No.21564 of 2023

WEB COPY

pensionable service is not applicable to the petitioner as his date of joining as fresh entrant was after the cut off date, i.e., 31.01.1985. That apart, the Claim Petition itself was filed in the year 2018 after a lapse of nearly two decades. Accordingly, this Court finds no error in the order passed by the Labour Court in C.P.No.43 of 2018 dated 25.11.2022.

6. Finding no merits, this Writ Petition is dismissed. No costs.

21.07.2023

NCC: Yes / No
Index : Yes / No
Speaking Order : Yes / No

vji

To

1. The Secretary,
State Transport Corporation,
Chennai - 600 083.
2. The Managing Director,
Metropolitan Transport Corporation,
Anna Salai,
Chennai - 600 002.



WEB COPY



W.P.No.21564 of 2023

M.DHANDAPANI, J.

vji

W.P.No.21564 of 2023

21.07.2023