



WEB COPY



WP.No.32618 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.09.2023

CORAM

THE HONOURABLE MR. JUSTICE N.SATHISH KUMAR

WP.No.32618 of 2022

G.Ramadass

.. Petitioner

Versus

1.Tamil Nadu State Transport Corporation
(Villpuram) Limited
Kancheepuram Region
Rep by its Managing Director
Villupuram – 605 602

2.Tamil Nadu State Transport
Corporation Employees' Pension Fund Trust
Rep by its Administrator
No.2, Pallavan Salai
Chennai – 600 002

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned letter bearing No.17875/L1/L-C/TNSTC (VPM)/KR/2017 dated 14.09.2022 issued by the 1st Respondent and quash the same and consequently direct the respondents herein to settle all the terminal benefits namely Pension Commutation of Pension, Surrender of Earned Leave and other monetary benefits with interest at 12 percent per annum from the



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date of superannuation of the petitioner from service i.e. from 31.10.2006

onwards.

For Petitioner : Mr.V.Sivaraman

For Respondents : Mr.R.Venkatesa Perumal for R1
Mr.C.S.K.Sathish for R2

ORDER

This writ petition has been filed challenging the impugned order rejecting the pension on the ground that the petitioner has not been permitted to retire on 31.03.2006.

2. The brief facts leading to filing this writ petition are as follows:

2.a. The petitioner was proceeded departmentally for absent for a period from 12.02.1996 to 03.10.1996 and he was dismissed originally. The said dismissal for challenged before the II Additional Labour Court. The Labour Court by judgment dated 31.07.2006 in I.D.No.849 of 2001 passed the award directing the respondents to reinstate the petitioner in service without backwages, continuity of service and all other attendant benefits. The said Order has been challenged in W.P.No.5027 of 2008. This Court, by Order dated 29.10.2011 remitted the matter back to the Labour Court only for fresh consideration of other benefits in respect of continuity of service and backwages. However, while remanding this Court has specifically noted that



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the Order of reinstatement is not disturbed. Thereafter, once again, the Labour Court passed order directing 50% of back wages and other benefits, the same has been challenged before this Court by the Management in 17875 of 2012. This Court, by Order dated 13.04.2017 modified the award of the Labour Court in respect of back wages from 50% to 25%.

3. It is relevant to note that in the above order dated 13.04.2017, this Court, in paragraph 11, recorded the fact that the reinstatement of the employee is not under challenge and this Court is modified back wages alone and not interfered with the findings of other benefits extended by the Labour Court. The petitioner appears to have been superannuated on 31.10.2006. Therefore, as per the Order of the Labour Court and this Court, the petitioner is entitled to reinstatement with continuity of service and other benefits. Now, the back wages is confined to 25%.

4. Such view of the matter, considering the period of service and continuity of service, the petitioner is eligible for pension. However, the impugned order is proceeded as if the petitioner was not permitted to retire, therefore, he is not entitled.



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5. Such view of the matter, the Order impugned herein stands quashed and the first respondent is directed to sanction the pensionary benefits as per Rules governing the Corporation. Such exercise shall be completed within a period of three months from the date of receipt of a copy of this Order.

6. Accordingly, this writ petition stands allowed. No costs.

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dhk

Index: Yes/No

Internet: Yes/No

Neutral Citation: Yes/No



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To,

1.The Managing Director
Tamil Nadu State Transport Corporation (VPM) Limited
Kancheepuram Region
No.3/137, Salamedu Vazhuthareddy Post
Villupuram – 605 602

2.The Administrator
Tamil Nadu State Transport
Corporation Employees Pension Fund Trust
Thiruvalluvar House
Pallavan Salai, Chennai – 600 002



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N.SATHISH KUMAR, J.

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