



W.P.No.31855 of 2018  
and W.M.P.No.37095 of 2018

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.10.2023

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

W.P.No.31855 of 2018  
and W.M.P.No.37095 of 2018

The Managing Director,  
Tamil Nadu State Transport Corporation Ltd.,  
(Formerly P.T.C. Ltd.,)  
Pallavan Illam, Anna Salai,  
Chennai - 600 002.

... Petitioner

Vs.

G.Vivekanandan

... Respondent

**Prayer** : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari to call for the records pertaining to the order passed in C.P.No.326/2015 dated 06.09.2018 on the file of the II Additional Labour Court, Chennai.

For Petitioner : Mr.M.Chidambaram

For Respondent : Mr.V.Chinnasamy



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W.P.No.31855 of 2018  
and W.M.P.No.37095 of 2018

### **ORDER**

This Writ Petition is filed by the Tamil Nadu State Transport Corporation Limited challenging the Award dated 06.09.2018 passed by the Presiding Officer, II Additional Labour Court, Chennai, in C.P.No.326/2015.

2.The respondent is a retired employee of the Tamil Nadu State Transport Corporation Limited formerly known as Pallavan Transport Corporation Limited. He joined as a Driver in Pallavan Transport Corporation Limited on 28.04.1974. According to the respondent, he had not been paid pensionary benefits equal to the other government employees and that the Management is liable to pay a sum of Rs.20,34,000/-. In this regard, he filed an application under Section 33C(2) of the Industrial Disputes Act in C.P No.326/2015 before the Presiding Officer, II Additional Labour Court, Chennai. The learned II Additional Labour Court, Chennai vide her orders dated 06.09.2018 allowed the application filed by the respondent and directed the



W.P.No.31855 of 2018  
and W.M.P.No.37095 of 2018

WEB COPY

respondent to quantify the amount to be paid to the respondent by the writ petitioner Management.

3.Mr.M.Chidambaram, learned counsel for the Tamil Nadu State Transport Corporation Limited contended that as per G.O Ms.No.42, Transport (RW) Department dated 27.05.2005, the Tamil Nadu State Transport Department employees who were absorbed in Tamil Nadu State Transport Corporations and had put in qualifying service of 10 years as on 01.04.1982 alone are entitled for pensionary benefits. According to him, since the respondent was not working in the Tamil Nadu State Transport Department and he joined as a Driver in Pallavan Transport Corporation, he cannot claim benefits under G.O.Ms.No.42 Transport (RW) Department dated 27.05.2005. The learned II Additional Labour Court, Chennai had passed an order erroneously and therefore, the same is liable to be set aside.





W.P.No.31855 of 2018  
and W.M.P.No.37095 of 2018

WEB COPY

*The fixation of pension and payment of arrears shall be done accordingly as ordered by the Hon'ble Supreme Court of India as per the rules and Government Orders applicable to them in the following manner:*

- a) The erstwhile Tamil Nadu State Transport Department employees who were absorbed in Tamil Nadu State Transport Corporations and retired before 01.01.1988 or after 01.01.1988 but before 01.09.1998 be paid pension if they had put in the qualifying service of 10 years as on 01.04.1982. Period of Daily paid services, leave on loss of pay and suspension treated as specific punishment should be excluded while arriving the net qualifying the service.*
- b) As per the clause 2(p) (ii) 7 clause 14(b) of the Tamil Nadu State Transport Corporation Employees Pension Fund Rules issued in G.O. fourth read above and with reference to Rule 7 of the Tamil Nadu Pension Rules the erstwhile Tamil Nadu State Transport Department employees who were absorbed in Tamil Nadu State Transport Corporations and retired after 01.09.1998 be paid pension as per the Pension Scheme of the State Transport Corporations brought into force by the settlement under Section 12(3) of the Industrial Disputes*



W.P.No.31855 of 2018  
and W.M.P.No.37095 of 2018

WEB COPY

*Act, 1947 and they are not eligible for the second pension as per the G.O. third read above."*

In the instant case, the respondent joined service as a Driver only in the Pallavan Transport Corporation and was not working in Tamil Nadu State Transport Department for claiming pensionary benefits under the said G.O.

6. Therefore, the Writ Petition is allowed. The orders dated 06.09.2018 in C.P.No.326/2015 passed by the learned Presiding Officer, II Additional Labour Court, Chennai, is set aside. No costs. Consequently, connected Writ Miscellaneous Petition is closed.

**12.10.2023**

Index: Yes/No  
Internet: Yes/No  
Speaking/Non-Speaking order  
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W.P.No.31855 of 2018  
and W.M.P.No.37095 of 2018

**R. HEMALATHA, J.**  
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W.P.No.31855 of 2018  
and W.M.P.No.37095 of 2018

12.10.2023