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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.11.2023

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THE HONOURABLE MRS.JUSTICE S.SRIMATHY

REV.APLW(MD)No.156 of 2023

in

W.P.(MD)No. 23192 of 2015

The Management,
Tamil Nadu State Transport Corporation
(Madurai) Limited,
Dindigul Region,
Bye Pass Road,
Dindigul.

... Petitioner

vs.

1.The Presiding Officer,
Labour Court,
Madurai.

2. A. Palanivel

... Respondents

PRAYER: Review Application Writ filed under Section 47 Rule 1 & r/w 114
CPC, to review the order, dated 10.03.2022 made in W.P(MD)No.23192 of 2015.

For Petitioner : Mr.J.Senthil Kumaraiah

For R-2 : Mr.S.Govindan



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ORDER

This Review Application has been filed against the order, dated 10.03.2022 passed in W.P.(MD)No.23192 of 2015.

2. Heard Mr.J.Senthil Kumaraiah, the Learned counsel appearing for the Petitioner, Mr.S.Govindan, the Learned Counsel appearing for the 2nd respondent and perused the material documents available on record.

3. The Management, Tamil Nadu State Transport Corporation has filed this Review application seeking to review the order passed in the writ petition.

4. This Court has directed to calculate the entire service period to calculate the pension. However, the Labour Court had denied to include in between three years period from the total service period. Hence the management had sought to review the order to delete the said three years period.



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5. It is seen from the records that the writ petitioner joined service and his service was regularized from 01.09.1989 and he was in service until 2003. Thereafter, the petitioner management have initiated a disciplinary proceeding against the writ petitioner, after enquiry dismissed from service. Challenging the dismissal order, the writ petitioner has approached the Labour Court, wherein the Labour Court has set aside the dismissal order and directed to reinstate the writ petitioner without back wages, however, excluding the period from 01.10.2009 to 03.10.2012. If the petitioner had reinstated, he would have been service until 2022 because his superannuation is of the year 2022. In view of the above facts, the writ petitioner is entitled to take service from 01.09.1989 to until his date of superannuation i.e., on 05.07.2022. However, the Labour Court had directed to exclude the said three years period.

6. Therefore, this Court is directing the review applicant to exclude the service from 01.10.2009 to 03.10.2012. The remaining period of service from 01.09.1989 to 31.09.2009, then again from 04.10.2012 until superannuation in the year 2022 shall be taken as service period of the petitioner and shall pay terminal



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benefits and also pensionary benefits. For the aforesaid period the employer's contribution shall be paid to the Pension Trust and based on that, Pension shall be paid to the writ petitioner. The management shall not insist contribution from the employee, writ petitioner.

7. With these directions, this Review Application is disposed of.

Index : Yes / No
Internet : Yes
NCC : Yes / No
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To

The Presiding Officer,
Labour Court,
Madurai.



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S.SRIMATHY, J

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