



W.P.No.803 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.07.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.803 of 2022

R.Pandiyan

... Petitioner

Vs.

1.The Managing Director,
State Express Transport Corporation Ltd.,
Pallavan Salai, Chennai 600 002

2.The Administrator,
Tamilnadu State Transport Corporation,
Employees Pension Fund Trust,
Pallavan Salai, Chennai 600 002

... Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India praying to issue a Writ of Mandamus directing the respondents to pay pension, Gratuity, P.F and other terminal benefits to the petitioner, taking note of Award dated 21.12.2006 passed in ID.No.485 of 2002 and confirmed by this Court in order dated 23.01.2012 passed in WP.No.30229 of 2007.

For Petitioner : Mr.S.T.Varadarajulu

For Respondents



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For R1 : Mr.V.Subramani

For R2 : Mr.C.S.K.Sathish

ORDER

This writ petition has been filed for direction to the respondents to pay pension, gratuity, PF and other terminal benefits to the petitioner.

2. The petitioner had joined in the service of the respondents Corporation as Driver on 15.09.1994. However, he was terminated from service on 12.01.1999 based on the charge memo issued to the petitioner dated 21.03.1997 alleging that on 11.10.1996, the petitioner caused accident. Therefore, the petitioner raised industrial dispute under Section 2A(2) of the Industrial Disputes Act, 1947 in ID.No.485 of 2002. The Labour Court passed award on 21.12.2006 thereby set aside the order of dismissal and directed the respondents to reinstate the petitioner without backwages and other attendant benefits but with continuity of service for pensionary benefits. After the award, the said award was challenged before this Court in WP.No.30229 of 2007 and the same was also dismissed on 23.01.2012. Therefore in order to reinstate the petitioner,



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the respondents issued communication on 18.10.2013, thereby directed the petitioner to report for duty before the Branch Manager, Tiruvanandhapuram Depot. However, the petitioner did not report for duty. The petitioner made representation on 25.10.2013 to accommodate in the same depot from where he was terminated.

3. On perusal of records, there is no proof to show that the petitioner's representation reached the respondents. However, the petitioner was duly directed to report for duty before the Branch Manager, Tiruvanandhapuram Depot by the communication dated 18.10.2013. The petitioner failed to report for duty. That apart, the petitioner had put in only a minimum qualifying service, that too on daily wages of temporary period for 2 years and 26 days only. As such, the question of minimum ten years of actual service with his monthly contribution to Pension Trust does not arise. Therefore, the petitioner is not entitled for any benefit as claimed by him and the writ petition is devoid of merits and liable to be dismissed.

4. Accordingly, this writ petition is dismissed. There shall be no order as to costs.



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Neutral citation: Yes/No
Index: Yes/No
Speaking/Non-speaking order
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G.K.ILANTHIRAIYAN, J.

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