



WEB COPY



W.P.No.3858 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.02.2024

CORAM:

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

W.P.No.3858 of 2024

E.Chinnikrishnan

...Petitioner

-Vs-

1. The Secretary to Government,
Transport Department,
Fort St.George, Chennai – 600 009.

2. The Managing Director,
State Express Transport
Corporation (Tamil Nadu) Ltd.,
Pallavan Salai, Anna Salai,
Chennai – 600 002.

... Respondents

Prayer : Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Mandamus, directing the second respondent to release of the petitioner pension benefits without further delay and consequently to directing the second respondent to pay the pension regularly to the petitioner every month with arrears of pension from 30.06.2022.

For Petitioner	: M/s P.Roopavathi
For R1	: Mrs.R.L.Karthika Government Advocate
For R2	: Mr.L.S.M.Hasan Fizal Standing Counsel

ORDER



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This writ petition has been filed for direction directing the second respondent to release the petitioner pension benefits without further delay and consequently, directing the second respondent to pay the pension regularly to the petitioner every month with arrears of pension from 30.06.2022.

2. Heard the learned counsel on either side and perused the materials available on record.

3. The petitioner was appointed as Plant Trainee on 01.12.1986. Though the petitioner had completed the conditions given in the appointment order, he was not regularized as promised by the second respondent. Therefore, the petitioner filed a petition before the Deputy Chief Inspector of Factories Circle-II for other attendant benefits under Industrial Establishment (Conferment of Permanent Status to the Workmen) Act of 1981. Accordingly, the authority passed an Award and directed the second respondent to regularize the service of the petitioner with effect from 01.12.1989. Therefore, the petitioner is entitled for full backwages, continuity of service and other attendant benefits as per order dated 09.04.1997.

4. Thereafter, the petitioner had committed certain irregularities during his work and as such, he was served with a charge memo and he was placed



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under suspension. Thereafter, he was removed from service. It was challenged by the petitioner before the Labour Court in I.D.No.482 of 1997. The Labour Court, by an Award dated 25.11.2003, passed an Award directing the second respondent to reinstate the petitioner with continuity of service, full backwages and other attendant benefits. It was challenged by the second respondent before this Court in W.P.No.16686 of 2005. This Court, by an order dated 21.09.2011, allowed the writ petition and remitted back the matter to the Labour Court for passing fresh orders. Aggrieved by the same, writ appeal was filed by the petitioner in W.A.No.2169 of 2011 and the Hon'ble Division Bench of this Court, allowed the writ appeal and restored the order passed by the Labour Court. Further this Court observed that the petitioner is entitled for backwages only from the date of Award i.e from 25.11.2003 till the date of reinstatement. Accordingly, the petitioner was reinstated into service on 19.07.2013. At the time of his retirement, he was transferred from Chennai to Hosur. In the meanwhile, the petitioner filed a claim petition, as per the Award, in C.P.No.304 of 2015 and the same was ordered on 22.09.2020, directing to pay a sum of Rs.7,79,875/-, within a period of three months with interest at the rate of 9% per annum. The petitioner was paid without any interest, a sum of Rs.7,79,875/-. In the meanwhile, the petitioner had retired from service on 30.06.2022. Even after the retirement, he was not paid any pensionary benefits



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such as Gratuity, Provident Fund and other attendant benefits. The petitioner was also not paid any pension so far.

5. Considering the above facts and circumstances of the case, the second respondent is directed to disburse the pensionary benefits and also pay regular pension to the petitioner, within a period of eight weeks from the date of receipt of a copy of this order.

6. With the above directions, this writ petition is disposed of. There shall be no order as to costs.

19.02.2024

Internet: Yes

Index : Yes/No

Speaking/Non Speaking order

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To

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