



WEB COPY



W.P.No.10078 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.01.2024

CORAM:

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

W.P.No.10078 of 2022

M.Manivel

...Petitioner

-Vs-

1. The State of Tamil Nadu
Rep. by its Chairman of State
Transport Undertakings and
Additional Chief Secretary to Government,
Transport Department,
Chennai – 600 009.
2. The State Express Transport Corporation,
Rep. by its Managing Director,
No.2, Pallavan Salai,
Chennai – 600 002.
3. The State Express Transport Corporation,
Rep. by its General Manager,
No.2, Pallavan Salai,
Chennai – 600 002.
4. The Tamil Nadu State Transport Corporation
Employees' Pension Fund Trust,
Rep. by its Administrator,
No.2, Pallavan Salai,
Chennai – 600 002.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India
praying to issue a Writ of Mandamum, directing the second and third



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respondents herein to consider the petitioner's service from 03.04.1989 to 30.04.2020 as a continuous one and sanction pension and consequently settle all the terminal benefits for the entire service from 03.04.1989 to 30.04.2020 by considering the representation of the petitioner dated 09.03.2012, 07.03.2014, 10.03.2018 and 12.04.2022.

For Petitioner : Mr.D.Soundar raj

For Respondents

For R1 : Dr.T.Seenivasan
Special Government Pleader

For R2 & R3 : Mr.S.Siva Subramani
Standing Counsel

For R4 : Mr.C.S.K.Sathish

ORDER

The writ petition has been filed for direction to direct the respondents 2 & 3, to consider the petitioner's service from 03.04.1989 to 30.04.2020 as a continuous one and sanction pension and consequently settle all the terminal benefits.

2. Heard the learned counsel appearing on either side and perused the materials produced before this Court.



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3. The petitioner was originally appointed as Conductor on daily wages basis, by an order dated 03.04.1989. After completion of 240 days as daily wager, his service was regularized with effect from 01.07.1991. Due to unauthorized absent of the petitioner, he was dismissed from service. It was challenged before this Court in W.P.No.3147 of 2005. While pending the writ petition, there was a settlement arrived between the Management and the petitioner under Section 18(1) of the Industrial Dispute Act., 1947 on 17.11.2006. In fact, the settlement was arrived after filing of the writ petition before this Court.

4. As per the terms and conditions of the settlement dated 17.11.2006, the management agreed to reinstate the petitioner as Conductor as fresh entrant without backwages and without continuity of service in the scale of pay of Rs.4290-60-4770-65-5745 from the date of his joining duty in pursuance of the settlement. Further, he is not entitled for any claim or benefits whatsoever for the past service and for non-employment period. He has to abide by the terms and conditions in force in this corporation from time to time.



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5. Accordingly, the petitioner was appointed as Conductor as fresh entrant on 16.11.2006. Now the petitioner is claiming his earlier service from 03.04.1989 till his attainment of superannuation as continuous one and sanction pension accordingly. Further claiming that the terminal benefits to be calculated from 03.04.1989 to till the attainment of superannuation.

6. Whereas the petitioner entered into settlement under Section 18(1) of the Industrial Dispute Act, 1947, and accordingly he was appointed as Conductor as fresh entrant without back wages and without calculating the earlier service. Therefore, the representation submitted by the petitioner cannot be considered and the writ petition itself devoid of merits and liable to be dismissed.

7. Accordingly, the Writ Petition stands dismissed. There shall be no orders as to costs.

02.01.2024

Internet : Yes
Index : Yes/No
Speaking/Non Speaking order
rts



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G.K.ILANTHIRAIYAN. J.

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