



W.P.No.10767 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.10.2024

CORAM

THE HONOURABLE Mr.JUSTICE C.KUMARAPPAN

W.P.No.10767 of 2020

R.Kannadasan

... Petitioner

Vs.

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

2. The Administrator,
Tamil Nadu State Transport Corporation,
Employees Pension Fund Trust,
O/o. State Express Transport Corporation,
Pallavan Salai, Chennai – 600 002.

3. The Assistant Manager (PF),
State Express Transport Corporation,
Pallavan Salai, Chennai – 600 002.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records of the third respondent in கடித எண்.65799/வை.நி/அ.பொ.க.த.ந/2020 நாள் 04.06.2020 and quash the same and consequently direct the first respondent to settle his share of P.F. contribution to the second respondent for the period



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from 26.03.1996 to 07.11.2005 and revise the pension of the petitioner taking into account of the petitioner's entire service of 30 years.

For Petitioner : Mr. U.Soundraraj

For Respondent : Mr. K.Kathiresan,
Standing Counsel (for R1 to R3)

No appearance (for R2)

ORDER

The instant Writ Petition has been filed challenging the order of rejection dated 04.06.2020, wherein the respondents/Corporation refused to take into consideration the petitioner's past service from 26.03.1996 to 07.11.2005, qua period between the order of Labour Court for reinstatement, till superannuation as the respondents did not reinstate the petitioner, despite the order of the Labour Court.

2. The learned counsel for the petitioner would submit that the petitioner joined the service of the respondents/Corporation on 01.07.1988. Whereas, during 1996, due to some disciplinary proceedings, he was terminated from service. Thereafter, he raised an industrial dispute, wherein



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the Labour Court directed the respondents to reinstate the petitioner vide order dated 20.04.2005 in I.D. No. 663 of 1998. After the disposal of the industrial dispute, a Memorandum of Settlement dated 02.10.2005 was entered into between the petitioner and the first respondent under Section 18(1) of the Industrial Disputes Act, 1947. Wherein, the first respondent agreed to reinstate the petitioner's service without back wages with effect from 26.03.1996, but with continuity of service in the time scale of pay applicable to the post of driver. For ready reference, the terms of settlement are extracted hereunder:-

"1. The Management agrees to reinstate Thiru.R.Kannadasan as Driver without back wages from 26.03.1996 but with continuity of service in the time scale of pay as applicable to the post of driver."

Therefore, the learned counsel for the petitioner would submit that the petitioner is entitled to pension for the period from 26.03.1996 to 07.11.2005.

3. Per contra, the learned counsel for the first to third respondents would submit that the petitioner was not in service at the relevant point of time, and that the petitioner's contribution had not been paid towards the General Provident Fund (GPF). Therefore, he is not eligible for the pension



4. I have given my anxious consideration to the submissions made on either side.

5. At this juncture, the learned counsel for the petitioner rightly agreed to pay his share of the GPF subscription. If that being the case, there is a duty cast upon the respondents to make payment of their share of GPF contribution. In this view of the matter, this Court finds that there are sufficient grounds to interfere with the impugned order dated 04.06.2020.

6. In the result, this Writ Petition is allowed with the following directions:-

(i) to enable the petitioner to pay his share of the GPF, the respondents are directed to furnish the working sheet within four weeks from the date of receipt of a copy of this order;

(ii) on receipt of the above working sheet, the petitioner is directed to pay his share of contribution to the General Provident Fund (GPF) account,



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for the period from 26.03.1996 to 07.11.2005 within a period of two months

from the date of receipt of above working sheet;

(iii) on such payment, the respondents are directed to revise the pension, by treating the period from 26.03.1996 to 07.11.2005 as duty period, and pass orders within four weeks thereafter; and

(iv) there shall be no order as to costs.

23.10.2024

kv

Index : Yes/No

Speaking order /Non Speaking Order

Neutral Citation : Yes/No

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C.KUMARAPPAN, J.

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