



WEB COPY



W.P.No.18905 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.01.2024

CORAM:

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

W.P.No.18905 of 2022

P.Velusamy

...Petitioner

-Vs -

1. The Managing Director,
Tamil Nadu State Transport
Corporation (Covai) Limited,
37, Mettupalayam Salai,
Coimbatore – 641043.

2. Tamilnadu State Transport Corporation
Employees Pension Trust,
Rep. by its Administration,
Thiruvalluvar Illam,
Pallavan Salai,
Chennai – 2.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents 1 - 2 to pay the petitioner revised monthly pension and gratuity by counting and calculating his entire service including the period from 11.04.2000 to 04.01.2007 as eligible for pension; to settle him all the remaining terminal benefits such as PF, Earned Leave Salary, the amounts payable under the Social Security Scheme and Family Benefits Fund Scheme and IRT contribution and to pay the petitioner a salary for the period from



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02.01.2006 to 03.01.2007, together with interest, within a specified time as may be fixed by this Court.

For Petitioner : Mr.V.Ajoy Khose
For Respondents
For R1 : Mr.A.Sundaravadhanan
Standing Counsel
For R2 : Mr.C.S.K.Sathish

ORDER

The writ petition has been filed for direction to direct the respondents to pay the petitioner revised monthly pension and gratuity by counting and calculating his entire service including the period from 11.04.2000 to 04.01.2007 as eligible for pension and to settle him all the remaining terminal benefits.

2. The petitioner had joined in the service of the first respondent corporation as a Driver on 06.10.1993. While being so, the petitioner was dismissed from service by an order dated 14.04.2000. Therefore, he raised Industrial Dispute in I.D.No.53 of 2001 and the Labour Court, Coimbatore, by an order dated 02.01.2006, allowed the ID and directed to reinstate the petitioner with continuity of service without backwages.



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3. Accordingly, the petitioner was reinstated into service on 04.01.2007. However, the petitioner was not paid back wages from the date of award to the date of reinstatement viz., from 02.01.2006 to 03.01.2007. Thereafter, he was allowed to retire from service under Voluntary Retirement Scheme by an order dated 29.01.2021, after completion of 27 years 3 months and 26 days of service. However the respondents had counted his service as 19 years as eligible service for pension and excluding his non-employment period from 11.04.2000 to 04.01.2007. Hence, the petitioner filed this present writ petition with the above said prayer.

3. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

4. On perusal of the award passed by the Labour Court, Coimbatore, the petitioner was directed to reinstate into service with continuity of service, without any back wages and other attendant benefits. Therefore, the period of non-employment shall be taken as



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eligible service as pensionable service and gratuity. Hence, the respondents are directed to take into account the period from 11.04.2000 to 04.01.2007 for pensionary benefits and settle the remaining terminal benefits such as PF, Earned Leave Salary etc., to the petitioner with eligible interest within a period of twelve weeks from the date of receipt of a copy of this Order.

5. With the above directions, the Writ Petition stands allowed.

There shall be no orders as to costs.

08.01.2024

Internet: Yes

Index : Yes/No

Speaking/Non Speaking order

rts



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