



WEB COPY



W.P.No.31053 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 22.02.2024

Coram:

THE HONOURABLE MRS.JUSTICE N.MALA

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- 1.K.Sankaran (died)
- 2.S.Kalaiyarasi
- 3.S.Saranya
- 4.S.Suganya
- 5.S.Karthik

(P2 to P5 are substituted as LRS of P1
as per order dated 01.11.2023 in
WMP.30005/21 in WP.31053/18)

...Petitioners

vs.

1.The Managing Director,
Metropolitan Transport
Corporation (Chennai) Ltd.,
Pallavan Illam,
Pallavan Salai, Chennai-600 002.

2. The Administrator,
Tamil Nadu State Transport Corporation,
Employees Pension Fund,
Pallavan Salai, Chennai-600 002.

...Respondents

Writ petition is filed under Article 226 of the Constitution of India



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praying for issuance of a Writ of Mandamus, to direct the respondents to revise the pension of the petitioner taking note of his entire service and correct wage payable to him as per Award dated 762 of 2010 dated 18.04.2013 passed by III Additional Labour Court, Chennai.

For Petitioner : Mr.M.Prem Kumar
For Respondents : Mrs.Mythraye Chandru,
Special Government Pleader

ORDER

Writ petition is filed for issuance of a writ of mandamus to direct the respondents to revise the pension of the petitioner taking note of his entire service and correct wage payable to him as per Award dated 762 of 2010 dated 18.04.2013 passed by III Additional Labour Court, Chennai.

2. It is seen that the petitioner in his earlier representations and in his post retirement representation dated 30.06.2018 requested the respondents to revise the petitioner's pension taking note of his entire service. As the respondents neither revised the pension nor replied to the petitioner's



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representations, the petitioner filed the above writ petition for the aforesaid relief.

3. The learned counsel for the petitioner pleaded that a positive direction may be issued to the respondents to revise the petitioner's pension taking note of his entire service and also on the basis of correct wages payable to him as per Award dated 18.04.2013 in I.D.No.762 of 2010.

4. The learned counsel for the respondent opposes the said plea by stating that there are disputed questions of facts as to the number of years of service and also the petitioner has not remitted the contribution towards the pension scheme for the period from 2001 to 2014, being the non employment period

5. In view of disputed facts, this Court is not inclined to give any positive direction to the petitioner. The 2nd respondent is directed to



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consider the petitioner's representation dated 30.06.2018 on merits and accordance with law and pass orders within a period of four (4) weeks from the date of receipt of a copy of this order. It is made clear that while passing order, the 2nd respondent shall consider the Award of the Labour Court whereunder a direction was issued to the respondents to reinstate the petitioner with continuity of service.

Accordingly, writ petition is disposed of. There shall be no order as to Costs.

22.02.2024

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Index:Yes/No

Speaking Order:Yes/No

Neutral Citation:Yes/No



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To

1.The Presiding Officer,
III Additional Labour Court, Chennai.

2.The Managing Director,
Metropolitan Transport
Corporation (Chennai) Ltd.,
Pallavan Illam,
Pallavan Salai, Chennai-600 002.

3. The Administrator,
Tamil Nadu State Transport Corporation,
Employees Pension Fund,
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N.MALA,J

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