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Rev.Appl.No.160 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.04.2025

CORAM :

THE HONOURABLE MR.JUSTICE R. SURESH KUMAR
AND
THE HONOURABLE MR.JUSTICE P. VELMURUGAN

Rev.Appl.No.160 of 2023 against W.A.No.1507 of 2019

The Managing Director
Metropolitan Transport Corporation (Chennai) Ltd.
Pallavan Illam, Chennai – 600 002. .. Applicant

Vs.

1. G.Parthiban
2. The Secretary to Government
Transport Department
Fort St. George, Chennai – 600 009.
3. The Presiding Officer
I Additional Labour Court
City civil Court Annexure Buildings
High Court Compound
Chennai – 600 104. .. Respondents

Prayer: Review Application filed under Order XL VII Rule 1 of the Code of Civil Procedure r/w Section 114 of the Code of Civil Procedure, against the order dated 31.10.2019 made in W.A.No.1507 of 2019.

For the Applicant : Mr.R.Ramanlaal
Additional Advocate General
assisted by Mr.A.Vinothraj

For the Respondents : Mr.K.Malaikannu
for R1



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ORDER

(Order of the Court was made by R.SURESH KUMAR, J.)

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This review application has been filed against the order passed by the Division Bench dated 31.10.2019 in W.A.No.1507 of 2019.

2. The writ appellant was the Managing Director of the Metropolitan Transport Corporation, wherein, the first respondent in the writ appeal *G.Parthiban* joined service as a Conductor. Before this Corporation has come into effect, he joined into service on 28.12.1971 in the erstwhile Tamil Nadu State Transport Department, where, he worked till the year 1973 and from 01.08.1973, he had been absorbed in the Transport Corporation.

3. In that capacity, after having worked for several years, that is for more than 20+ years, he voluntarily retired from service with effect from 31.01.1995. Since he had rendered eligible service for getting pension as per the Scheme which is available, he had approached the Labour Court by filing a petition under Section 33C(2) of the Industrial Disputes Act, 1947, seeking to quantify the amount payable to him by way of pensionary benefits, which was quantified at Rs.4,98,825/-. The said petition filed under Section 33C(2) of the Industrial Disputes Act, 1947, was allowed by the Labour Court.



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4. As against the order passed by the Labour Court, the Management preferred a writ petition in W.P.No.5543 of 2015. That writ petition also was dismissed by the Writ Court. Against which, an intra-Court appeal in W.A.No.1507 of 2019 was filed by the employer/Management.

5. While dealing with the said writ appeal, the Division Bench of this Court has considered the actual service rendered by the respondent employee, who in fact had rendered service for more than 10 years, which is the minimum qualifying service. At one point of time, before the Division Bench, it was argued on behalf of the Management Transport Corporation that, he had rendered service of totally 10 years 3 months and 3 days, out of which, there has been a leave on loss of pay which was for 8 months and 9 days. After that period of leave on loss of pay is deducted from the total service, his qualifying service would come only to 9 years 6 months and 24 days. Therefore, he had not completed the 10 years qualifying service, hence, he is not entitled for pensionary benefits.



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6. This point has been meted out by the Division Bench in paragraphs 8 to 10 of the order, which is sought to be reviewed herein. The Division Bench, in fact, has taken the import of G.O.Ms.No.24, Finance (Pension) Department dated 13.01.1986, by which, the State Government has adopted the policy of the Central Government, where, if there has been a shortage of less than six months' period for reaching the qualifying service for getting pension, that could be rounded off to one year.

7. Here, in the case in hand, even according to the employer, the total qualifying service, after deduction of leave on loss of pay, rendered by the employee would come to 9 years 6 months and 24 days. Therefore, for this shortage of less than six months of leave to the minimum qualifying service of 10 years, where, if the import of G.O.Ms.No.24 is applied, then the six months' period could be added or rounded off. Therefore, definitely, he could have reached the 10 years period, which has been dealt with by the Division Bench. Therefore, the said writ appeal was dismissed by the order dated 31.10.2019, by giving directions to calculate the arrears of pension payable to the employee and the same shall be paid within a period of eight weeks with interest at 9%.



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8. The said order, even though is sought to be reviewed in the present review application, after hearing *Mr.R.Ramanlal*, learned Additional Advocate General appearing for the review application, we do not find any reason to interfere with the order as no error apparently, on the face of record, is available of the order which is sought to be reviewed.

9. Hence, this review application fails, accordingly, it is dismissed. However, there shall be no order as to costs.

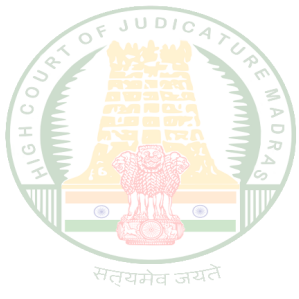
(R.S.K., J.) (P.V., J)
16.04.2025

Neutral Citation:Yes/No

drm

To:

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R. SURESH KUMAR, J.
AND
P. VELMURUGAN, J.

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W.A.No.1507 of 2019

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