



WEB COPY



W.P.No.8961 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.02.2025

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.8961 of 2022

And

W.M.P.No.8788 of 2022

The Additional Chief Secretary,
Transport Department,
Government of Tamil Nadu,
Secretariat,
Chennai – 9.

... Petitioner

Vs.

1.P.Malarkodi

2.The Management,
Metropolitan Transport Corporation Ltd.,
Pallavan House,
Chennai – 600 002.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari, call for the records pertaining to the order passed in C.P.No.477 of 2013 dated 13.03.2020 on the file of the III Additional Labour Court, Chennai – 600 104 and quash the same.

For Petitioner : Mr.M.Murali
Government Advocate

For Respondents : Mr.S.T.Varadharajulu for R1
Mr.K.Balaji for R2



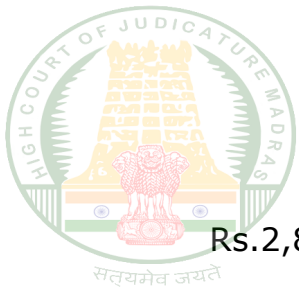
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ORDER

The petitioner has filed this writ petition seeking issuance of Writ of Certiorari, call for the records pertaining to the order passed in C.P.No.477 of 2013 dated 13.03.2020 on the file of the III Additional Labour Court, Chennai – 600 104 and quash the same.

2.The learned Government Advocate appearing for the petitioner submitted that the first respondent is the wife of one Late.M.Balu who was appointed as driver through direct recruitment by the erstwhile Pallava Transport Corporation Limited on 31.03.1972 on daily wages and his services were regularized by the said Corporation with effect from 01.04.1973 and his probation was declared by the Corporation with effect from 04.04.1975 and he retired from the said Corporation on 28.02.1998 on attaining the age of superannuation and all his terminal benefits were settled. Whiles, the first respondent filed claim petition in C.P.No.477 of 2013 claiming to compute the money value of the benefits at Rs.5,10,675/- towards arrears of pension due to her deceased husband and the III Additional Labour Court, Chennai, passed the impugned order directing the Secretary, Transport Department, Government of Tamil Nadu, to pay a sum of



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Rs.2,88,594/- towards arrears of pension.

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3.The learned Government Advocate appearing for the petitioner further submitted that Late.M.Balu was directly appointed in the erstwhile Pallava Transport Corporation Limited and he did not render any service in the Government Department and hence, he is not entitled for pension, however, the claim petition is mis-understood by the Labour Court and the Labour Court passed the impugned order, which is not sustainable one.

4.The learned counsel appearing for the first respondent submitted that the deceased employee entered the service on 31.03.1972 and he retired from service on 28.02.1998 on attaining the age of superannuation and he died on 30.01.2009. The deceased employee has put in more than 10 years qualifying service and as per G.O.Ms.No.42 dated 27.05.2005 he is entitled for pension and since the same was not sanctioned, his legal heir/ the first respondent filed claim petition no.477 of 2013 under Section 33 C (2) of the Industrial Disputes Act and the Labour Court passed the impugned order on the basis of Ex.P2 – service certificate issued by the Transport Corporation and the same warrants no interference.



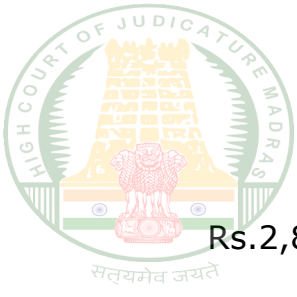
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5.Heard the arguments advanced on either side and perused the materials available on record.

6.Perusal of records reveal that the first respondent is the wife of one Late.M.Balu who was appointed as driver through direct recruitment by the erstwhile Pallava Transport Corporation Limited on 31.03.1972 on daily wages and his services were regularized by the said Corporation with effect from 01.04.1973 and his probation was declared by the Corporation with effect from 04.04.1975 and he retired from the said Corporation on 28.02.1998 on attaining the age of superannuation and he died on 30.01.2009.

7.Since pension was not sanctioned to Late.M.Balu, the first respondent filed claim petition no.477 of 2013 under Section 33 C (2) of the Industrial Disputes Act, claiming to compute the money value of the benefits towards arrears of pension due to her deceased husband before the III Additional Labour Court, Chennai and the Labour Court passed the impugned order on the basis of Ex.P2 – service certificate issued by the Transport Corporation, directing the Secretary, Transport Department, Government of Tamil Nadu, to pay a sum of



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Rs.2,88,594/- towards arrears of pension, which warrants no interference.

8.The writ petition is dismissed with direction to the petitioner to pay a sum of Rs.2,88,594/- to the first respondent, without any interest, within a period of eight weeks from the date of receipt of a copy of this order. No costs. Consequently, the connected miscellaneous petition is closed.

18.02.2025

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Speaking Order/ Non Speaking Order
Index: Yes/ No
Internet: Yes/ No

To

1.The Management,
Metropolitan Transport Corporation Ltd.,
Pallavan House,
Chennai – 600 002.



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M.DHANDAPANI,J.
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