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WP.Nos.22629 & 21922 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :04.02.2025

CORAM

**THE HONOURABLE MS. JUSTICE R.N.MANJULA**

W.P Nos.22629 & 21922 of 2018

1. Y.MUNIRAMAIAH (Age: 79 yrs) C1-13435  
S/o. Veerasami  
NO.9/4, Balakrishna Street,  
Nehru Nagar, Yerukkancherry,  
Chennai 600 118.
2. N.DAKSHINAMURTHY (Age: 80 yrs) D-3223  
S/o. Nagappan, No.809, 32nd Cross Street,  
T.P.Chathiram, Shenoy Nagar,  
Chennai 600 118.
3. S.NITHYANANDAM (Age: 83 yrs) D-2572  
S/o.Selvaraj  
NO.11, Rani Anna Durai Street,  
M.G.R.Nagar. Chennai 600 078.
4. P.THANGAIYAN (Age: 73 yrs)CI-13486  
S/o.Pichiah  
NO.25, Pachiappan Colony I Street,  
Pallavaram, Chennai 600 043.
5. J.SIVANANDAM (Age: 80 yrs) Tyre Man: 20024  
S/o.K.Jeevarathinam  
NO.5/3, Murthi Nagar,  
I Street, Vysarpadi,  
Chennai 600 039.



WP.Nos.22629 & 21922 of 2018

6. E.PALANI (Age: 80 yrs) Driver - 20044.

S/o.K. Yelumalai

NO.18, Manaval Street,

Yerukkancherry, Chennai 600 118.

7. E.KANTHASAMI (Age: 81 yrs) CI.13449

S/o.Ellappan

NO.40, Ambedkar Street,

Krishnamurthy Nagar,

Kodungaiyur, Chennai 600 118.

8. M.BETHASANGILI (Age: 79 yrs) CI.13432

S/o. Malliah

NO.483, Kongiamman Nagar,

Nandhiambakkam, Chennai 600 120.

9. G.DAMODARAN (Age: 79 yrs) CI.13435

S/o.Govindasamy, NO.5/8,

Shanmuga Sundaram Nagar,

I Street, Madhavaram,

Chennai 600 060.

.... Petitioners in WP.22629/2018

1.K.M.Doraisamy (Age : 80 yrs)

S/o Munuswamy,

No.24, Samiyar Thottam,

4th Street, Viyasarpadi,

Chennai 600 039.

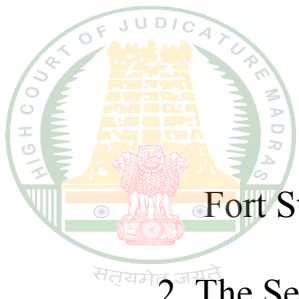
... Petitioner in WP.No.21922/2018

Vs.

1. The Secretary to Government,

State of Tamil Nadu,

Transport Department,



WP.Nos.22629 & 21922 of 2018

Fort St. George, Chennai-600 009.

2. The Secretary to Government  
State of Tamil Nadu,  
Finance Department,  
Fort St. George, Chennai-600 009.

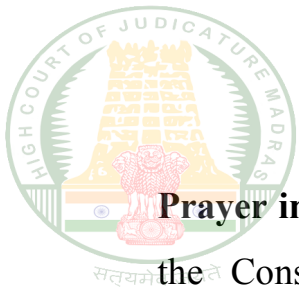
3. The Administrator,  
TNSTC Employees Pension Fund Trust,  
Pallavan House (SETC) Anna Safai,  
Chennai 600 002.

4. The State Transport Corporation Villupuram Ltd.,  
Kancheepuram Region, (Region - 3)  
Rep. by its Managing Director.  
Chennai - Bangalore High ways,  
(Near Ponnerikarai) Karaipettai Post.,  
Kancheepuram 631 552.

5. The General Manager,  
Tamilnadu Government Transport Corporation,  
Kancheepuram Region (Region-3)  
Chennai - Bangalore High ways,  
(Near Ponnerikarai) Karaipettai Post.,  
Kancheepuram 631 552.

...Respondents in both WPs.

**Prayer in WP.No.22629/2018:** Writ Petition has been filed under Article 226 of the Constitution of India for issuance of a WRIT OF MANDAMUS directing the 5 th Respondent to consider the representations sent by the petitioners to pay the life time POST RETIREMENT WELFARE FUND amount of Rs.1000/-PER MONTH which was paid to the petitioners according to section 12(3) of The Industrial Dispute Act 12th Tripartite Settlement dated 13/04/2015.



WP.Nos.22629 & 21922 of 2018

**Prayer in WP.No.21922/2018:** Writ Petition has been filed under Article 226 of the Constitution of India for issuance of a WRIT OF CERTIORIFIED MANDAMUS calling for the records relating to respondent made in K.No.422A/L.W-2/T.N.G.T. Corp (Villupuram) Ltd.,dated 16.02.2018 and quash the same , and direct the 5th respondent to pay the life time POST RETIREMENT WELFARE FUND amount of Rs.1000/-PER MONTH which was paid to the petitioner till February 2017 arrived during the 12th Tripartite Settlement dated 13/04/2015 according to section 12(3) of The Industrial Dispute Act.

In both WPs.

For Petitioners : Mr.K.T.Ramesh for Mr.V.Sivaraman

For Respondents : Mr.T.Cheshiyan, AGP for RR1 & 2

: Mr.S.Sai Prazad for R3

: Mrs.S.Pavithra,

Standing counsel for TNSTC, VPM for RR4 & 5

### **COMMON ORDER**

The petitioners have filed a writ petition in W.P. No. 22629 of 2018 , seeking a writ of mandamus to direct the 5th respondent to consider their representations for the payment of the Post-Retirement Welfare Fund of Rs. 1,000 per month , as per Section 12(3) of the Industrial Disputes Act and the 12th Tripartite Settlement dated 13/04/2015. Additionally, another petition in



W.P. No. 21922 of 2018 has been filed, seeking a writ of certiorarified mandamus to call for the records related to the 5th respondent's order in K.No.422A/L.W-2/T.N.G.T. Corp (Villupuram) Ltd., dated 16/02/2018 , quash the same, and direct the 5th respondent to restore the Post-Retirement Welfare Fund payment of Rs. 1,000 per month , which was provided to the petitioners until February 2017 , as per the 12th Tripartite Settlement dated 13/04/2015 and Section 12(3) of the Industrial Disputes Act.

2. Heard Mr..K.T.Ramesh, learned counsel for the petitioners and Mr.T.Cheshiyan, learned Additional Government Pleader for RR1 & 2 and Mr.S.Sai Prazad, learned counsel for R3 and Mrs.S.Pavithra, learned Standing counsel for TNSTC, VPM for RR4 & 5 and perused the materials available on record.

3. The petitioner in WP.No.21922/2018 has filed this writ petition challenging the order of the 5th respondent dated 16.02.2018 wherein his claim for post-retirement welfare fund of Rs.1000/- payable to him under the scheme has been rejected in view of G.O.Ms.378, Finance Department, dated 18.04.1975. The petitioner claims that he is entitled to get the benefit in view of the 12(3)



settlement entered between the petitioner's union and the respondent management.

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4. According to the petitioner, the said scheme allowing the post-retirement welfare fund was in force between the period from 01.09.1992 to 31.08.1998. Admittedly, the petitioner was retired on 30.06.1997. Even though his retirement fell between the periods during which the scheme was in force, he was not given with the benefit by stating that the petitioner will not come under the eligible category of employees for whom the scheme is framed.

5. In the counter filed by the respondents, it is stated that as per the scheme, the following persons: (A) the members who received G.O.Ms.No378, dated 18.04.1975 and G.O.Ms.No.42, dated 27.05.2006 Government Orders Pension i.e., Government pension; (B) the members who received Tamil Nadu State Transport Corporation pension from 1998 onwards, payable by Tamilnadu State Transport Corporation Employed Pension Fund Trust, Chennai; (C) The members who received R.P.F.C ( Region Provident Fund Commissioner)



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Pension; and (D) the members who received Naramasivarao Pension, are exempted from claiming any post-retirement welfare fund as per the scheme.

6. Even the petitioner admits that he is getting pension, and he does not fall under the non-pension category. The only thing that has to be seen is whether the petitioner is not eligible to get the post-retirement welfare fund benefit according to the terms of the scheme. The government order in G.O.Ms.378, Finance Department, dated 18.04.1975 relates to the retirement benefits payable to the persons eligible to get such benefits. The order rejecting the petitioner's claim for the post-retirement welfare fund ought to have stated the terms of the scheme instead of the government order G.O.Ms.378, Finance Department, dated 18.04.1975, under which the petitioner is eligible to get a pension.

7. As the impugned order has not been passed by considering the relevant scheme and by recording a finding whether the petitioner comes under the purview of the scheme during the relevant point in time, I feel the impugned order is liable to be set aside. However, no direction be given to the respondents



to pay the post retirement welfare fund scheme benefit as claimed by him without considering his entitlement on merits and as per the terms of the scheme.

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In view of the same,

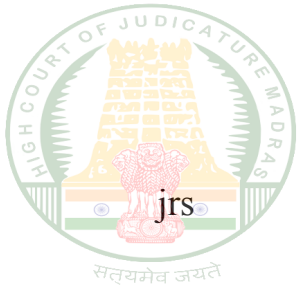
(i) the writ petition in **WP.No.21922 of 2018 is partly allowed** and the impugned order passed by the 5th respondent in K.No.422A/L.W-2/T.N.G.T. Corp (Villupuram) Ltd., dated 16/02/2018 is set aside and the direction sought by the petitioner is not given in view of the order yet to be passed in the representation given by him and which forms part of other writ petition.

(ii) the writ petition in **WP.No.22629/2018 is disposed** and the 5th respondent is directed to consider the representations of the petitioners in the light of the post retirement welfare fund and pass orders as to the entitlement of getting the benefit on merits within a period of three weeks from the date of receipt of a copy of this order.

(iii) There shall be no order as to cost.

**04.02.2025**

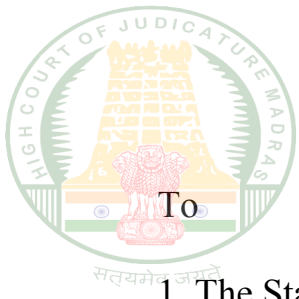
Index : Yes/ No  
Internet : Yes/No  
Speaking : Non Speaking order  
Neutral: Yes /No



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WP.Nos.22629 & 21922 of 2018



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To

1. The State of Tamil Nadu,  
Rep. by its Secretary to Government,  
Transport Department,  
Fort St. George, Chennai-600 009.
2. The State of Tamil Nadu,  
Rep. by its Secretary to Government,  
Finance Department,  
Fort St. George, Chennai-600 009.
3. The Administrator,  
TNSTC Employees Pension Fund Trust,  
Pallavan House (SETC) Anna Safai,  
Chennai 600 002.
4. The State Transport Corporation Villupuram Ltd.,  
Kancheepuram Region, (Region - 3)  
Rep. by its Managing Director.  
Chennai - Bangalore High ways,  
(Near Ponnerikarai) Karaipettai Post.,  
Kancheepuram 631 552.
5. The General Manager,  
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Kancheepuram 631 552.



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**R.N.MANJULA, J.**

jrs

W.P Nos.22629 & 21922 of 2018

04.02.2025