



W.P. No. 22809 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.03.2025

CORAM

THE HON'BLE Ms. JUSTICE R.N.MANJULA

W.P. No. 22809 of 2018

K.P.Nanjappan (died)

2. N.Vijaya

3. K.N.Sureshkumar

4. Naveenkumar Nanjappan

... Petitioners

-VS-

1. The Managing Director
Tamil Nadu State Transport Corporation
(Coimbatore) Ltd.
Erode Region, Chennimalai Road
Erode-1.

2. The Administrator
Tamil Nadu State Transport Corporation
Employees Provident Fund Trust
2, Pallavan Salai
SETC Office, Chennai-2.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus, to direct the respondents to calculate the entire service period from the date of 09.10.1976 till 30.06.2013 inclusive of the period from the year 1987 to 2009 as a qualifying service and to grant him the payment of commutation and pension on the revised calculation and to direct the respondent to pay arrears of pension and commutation raising to above period being included as a qualifying service.



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For Petitioner : P1-deceased
Mr. R.Gokulnath
for Mr. S.Ayyadurai (P2 to P4)

For Respondents : Mr. M.Murali Vinoth (R1)
R2 - No appearance

ORDER

Heard Mr. R.Gokulnath for Mr. S.Ayyadurai, learned counsel for the second to fourth petitioners and Mr. M.Murali Vinoth, learned counsel for the first respondent and perused the materials placed on record, apart from the pleadings of the parties.

2. This petition has been filed for a direction to the respondents to calculate the entire service period from the date of 09.10.1976 till 30.06.2013 inclusive of the period from the year 1987 to 2009 as a qualifying service and to grant him the payment of commutation and pension on the revised calculation and to direct the respondents to pay arrears of pension and commutation raising to above period being included as a qualifying service.

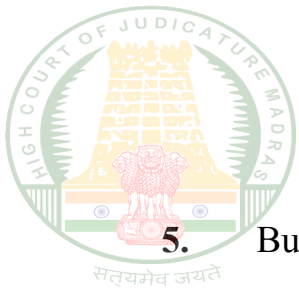
3. The deceased first petitioner joined the services of the respondent Management as a Driver on 09.10.1976 and he got his services regularized



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from 01.11.1978. On 06.07.1987, an accident occurred when the deceased first petitioner was driving a bus bearing No.NTCP 2851 belonged to the respondent and disciplinary action has been initiated against the deceased first petitioner and he was dismissed from service on 18.03.1988. The deceased first petitioner challenged the order of dismissal before the Labour Court, Salem by filing an industrial dispute in I.D. No. 103 of 1992, in which an award has been passed on 30.05.1995 by directing the respondent Management to reinstate the petitioner in service with continuity of service at the rate of salary for which he was getting as on 01.09.1993.

4. The respondent has challenged the above award by preferring a writ petition in W.P. 1177 of 1996 and that was also dismissed on 23.06.2008. As the deceased first petitioner was not able to get his backwages, he was compelled to enter into a settlement under section 18(1) of the Industrial Disputes Act, 1947 with a condition that the deceased first petitioner would be reinstated into service with continuity of service along with all other attendant benefits and he would get 85% of backwages and rest of 15% backwages would be forfeited.



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5. But the learned counsel for the respondent Management submitted that

so far the terms of the 18(1) settlement have not been implemented and hence, the deceased first petitioner has filed this writ petition to implement the settlement entered into under section 18(1) of the Industrial Disputes Act, 1947.

6. The learned counsel for the respondent further submitted that as the original petitioner has died on 28.07.2018, his legal heirs have been impleaded as petitioners 2 to 4. The respondent also did not deny the fact that section 18(1) settlement had been arrived consequent to the award of the Labour Court.

7. In such case, the respondent is obliged to implement the terms of the 18(1) settlement to the benefit of the deceased first petitioner's family, viz., second to fourth petitioners herein. The respondents did not implement the same during the life time of the deceased first petitioner.

8. In view of the above stated reasons, this writ petition is allowed. The respondent is directed to calculate the entire service period from the date of 09.10.1976 to 30.06.2013 inclusive of the period from 1987 to 2009 as qualifying service and pass orders for payment of commutation and pension on the revised calculation and disburse arrears of pension and commutation and



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other consequential benefits, if any, within a period of four weeks from the date

of receipt of a copy of this order. No costs.

11.03.2025

Internet: Yes/No

Speaking /Non-speaking order

Maya

To

1. The Managing Director
Tamil Nadu State Transport Corporation
(Coimbatore) Ltd.
Erode Region, Chennimalai Road
Erode-1.
2. The Administrator
Tamil Nadu State Transport Corporation
Employees Provident Fund Trust
2, Pallavan Salai
SETC Office, Chennai-2.



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R.N.MANJULA, J.

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