



W.P.No.24325 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 22.04.2025

CORAM :

THE HONOURABLE **MR.JUSTICE M.DHANDAPANI**

W.P.No.24325 of 2021

and

WMP.Nos.25634 & 29472 of 2021

The Managing Director,
Tamil Nadu State Transport Corporation,
(Villupuram Div.2) Ltd.,
Rangapuram, Vellore – 632 009.

...Petitioner

Vs.

U.S.Santhanagopal

...Respondent

Writ Petition filed under Article 226 of Constitution of India, praying for issuance of Writ of Certiorari calling for the records relating to the Award dated 29.01.2021 in Claim Petition No.35 of 2019 on the file of the Learned Principal Labour Court, Vellore and to quash the same.



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For Petitioner : Mr.M.Aswin

For Respondent : Mr.V.Sivaraman

ORDER

The petitioner has filed this Writ petition seeking quashment of the Award dated 29.01.2021 made in Claim Petition No.35 of 2019 on the file of the Principal Labour Court, Vellore.

2. It is the case of the petitioner that the respondent was working as a conductor in the petitioner corporation since 1972 and he was subsequently dismissed from service on the ground that he was a chronic absentee. Aggrieved by the same, the respondent raised an industrial dispute in I.D.No.740 of 2001. Pending the said dispute, as the respondent attained the age of superannuation on 31.08.2004, the Labour Court passed an award dated 08.06.2007, directing the petitioner to treat as if the respondent was reinstated with continuity of service and



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other attendant benefits but without backwages from the date of dismissal till his superannuation and settle the benefits. Challenging the said denial of backwages, the respondent filed a Writ petition before this Court in W.P.No.11304 of 2008, which ended in failure and challenge to the said order also met the same fate. Ultimately, the challenge before the Hon'ble Supreme Court also received the same treatment. This Court, while dismissing the challenge made by the respondent to the award passed by the Labour Court dated 08.06.2007, directed the petitioner to settle the pensionary and other attendant benefits to the respondent and the said order was ultimately complied with by the petitioner. While so, the respondent filed the present computation petition in C.P.No.35 of 2019 seeking arrears of Provident fund contribution, Pongal incentive and differential monthly pension for the period between 01.09.2004 to 31.08.2017. The Labour court, vide impugned order dated 29.01.2021 has allowed the said petition in part and directed the petitioner to pay a sum of Rs.1,75,190/- in favour of the respondent. Feeling



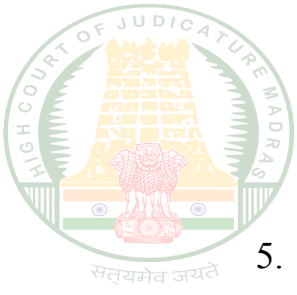
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aggrieved by the said order passed by the Labour Court, directing the petitioner to pay the sum as mentioned above, the present Writ petition has been filed.

3. Heard learned counsel on either side and perused the materials available on record.

4. On perusal of the available materials particularly the impugned order passed by the Labour Court, this Court is of the view that, it is a fair and just order. The Labour Court has negatived the claim made by the respondent towards Provident Fund. As regards the Pongal incentive between 2005 to 2016, the petitioner corporation has fairly admitted that the respondent was not paid the same. Therefore, the Labour Court has rightly allowed the prayer towards the payment of Pongal incentive between 2005 to 2016.



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5. As regards the prayer of the petitioner for calculating the monthly pensionary benefits for 26 years of service as against 22 years fixed by the petitioner corporation is concerned, the Labour Court has taken into consideration the admission made by the petitioner that they have calculated 26 years as service period for the respondent while settling the dues towards gratuity. There cannot be two service periods for an employee to calculate different benefits. Having taken 26 years as the service period for calculating the gratuity, it is not open to the petitioner corporation to have taken 22 years for calculating the pensionary benefits for the respondent. Therefore, the respondent-workman was completely justified in seeking for the difference in monthly pension and the Labor Court has correctly analysed the said aspect and given a finding in this regard. This Court is in complete agreement with the reasons given by the Labour Court for denying the provident fund claim made by the respondent while allowing the claim towards Pongal incentive and difference in pensionary arrears and thereby, this Court is not inclined to interfere with the same.



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6. For the reasons aforesaid, this Writ petition stands dismissed. The petitioner is directed to honour the impugned award dated 29.01.2021 passed by the Labour court within a period of eight weeks from the date of receipt of a copy of this order. No costs. Consequently, the connected Miscellaneous petitions are closed.

22.04.2025

skt

Index : Yes/No
Speaking Order : Yes/No
NCC : Yes/No

To:

1. The Managing Director,
Tamil Nadu State Transport Corporation (Villupuram Div.2) Ltd.,
Rangapuram, Vellore – 632 009.
2. The Principal Labour Court,
Vellore.

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