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W.P.No.23966 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 6/3/2025

C O R A M

The Hon'ble **Mrs.JUSTICE BHAVANI SUBBAROYAN**

Writ Petition No.23966 of 2023

J. Andrews Backiaraj
E 106, 12th Cross Street
Periyar Nagar
Chennai 600 082.

...

Petitioner

Vs

1. Metropolitan Transport Corporation
(Chennai) Ltd
rep. By its Managing Director
Pallavan Illam
Anna Salai
Chennai 600 002.

2. The Tamil Nadu State Transport Corporation
Employees Pension Fund Trust
rep. By its Administrator
Tiruvalluvar Illam
Pallavan Salai
Chennai 600 002.

...

Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India
praying for the issuance of a writ of mandamus to direct the respondents to



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pay the petitioner backwages for the period from the date of Award to the date of his superannuation, and to pay the petitioner a difference in Gratuity a sum of Rs.1,47,471, towards arrears of difference in pension for the period from 1/3/2013 to 31/5/2013 to pay the petitioner interest for the belated payment of gratuity amount and arrears of pension already paid at the rate of 12% p.a., to pay him the amounts payable under the Social Security Scheme, Family Benefit Fund and Post Retirement Benefit Fund Scheme and IRT Contributions, with interest at the rate of 12% p.a., and to pay the petitioner the revised monthly pension, based on the correct salary payable to him as on the date of his retirement on 1/6/2023 with consequential benefits and also pay the petitioner revised terminal benefits and interest at the rate of 9% p.a., award costs.

For petitioner	...	Mr.V.Porkodi
For respondents	...	Mr.A.Vinothraj Standing Counsel for R.1. Mr.C.S.K.Sathish Standing Counsel for R.2.

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ORDER

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This writ petition has been filed to direct the respondents to pay the backwages to the petitioner from the date of Award to the date of his superannuation.

2. It is the case of the petitioner that his terminal benefits have not been properly calculated and paid in spite of the fact that he has put in more than 31 years of service. The petitioner has been paid with a paltry sum of Rs.2,046/- towards monthly pension by taking into account only 12 years of service rendered by him. In view of the above erroneous calculation, the petitioner has submitted representations dated 28.06.2021, 21.07.2021 and 6.10.2021 to the respondents to properly calculate his gratuity and pension and sanction the same to him. Since no action was taken on the same, in spite of the award of the Labour Court and the orders passed by this Court, the petitioner has not been paid his proper terminal dues. The petitioner is now aged above 70 years as on date, and due to inaction on the part of the respondents, the petitioner is not able to meet his day to-day expenses, including meeting out his medical expenses and is struggling for his livelihood in spite of his service of more than 31 years



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with the respondent. Therefore, in search of his livelihood, the petitioner has come before this Court with the present petition seeking a direction to the respondents to pay the backwages for the period from the date of award to the date of his superannuation, and to pay the difference in gratuity in a sum of Rs.1,47,471/-, and also the arrears of pension for the period from 1.3.2013 to 31.05.2023 along with interest at 12% p.a.

3. Heard Ms.V.Porkodi, learned counsel for the petitioner, Mr.A.Vinothraj, learned Standing Counsel for the first respondent and Mr.C.S.K.Sathish, learned Standing counsel for the second respondent.

4. Without going into the merits of the case, this Court directs the petitioner to submit a calculation by way of a representation to the second respondent, within a period of two weeks from the date of receipt of a copy of this order, and on receipt of the same, the second respondent is directed to consider the case of the petitioner and settle all the terminable benefits, less the amount already paid, within a period of twelve weeks thereafter.

5. With the above direction, this writ petition is disposed of. No



costs.

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Index: Yes/No

Neutral Citation: Yes/No

To

1. The Managing Director
Metropolitan Transport Corporation (Chennai) Ltd
Pallavan Illam
Anna Salai
Chennai 600 002.
2. The Administrator
Tamil Nadu State Transport Corporation
Employees Pension Fund Trust
Tiruvalluvar Illam
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V.BHAVANI SUBBAROYAN,J

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