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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.04.2025

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THE HON'BLE Mr. JUSTICE M.DHANDAPANI

**W.P. No. 27243 of 2019
and WMP. No.26651 of 2019**

The Management
General Manager,
Tamil Nadu State Corporation (Villupuram) Ltd.,
No.3/137, Salamedu Vazhuhaerddy Post,
Villupuram.

... Petitioner

-VS-

1. G.Ganesan

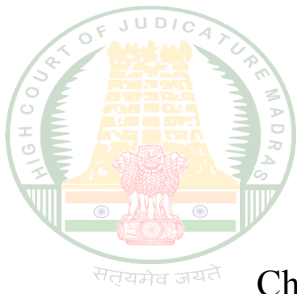
2. The Administration,
Tamil Nadu State Transport Corporation Employees Pension Fund Trust,
Administrative Office, Thiruvalluvar House,
Pallavan Salai, Chennai-2.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorari calling for the records relating to the order dated 07.01.2019 passed by the Principal Labour Court, Salem in C.P.No.51 of 2018 and to quash the same.

For Petitioner : Mr.M.Aswin

For Respondent : Mr.V.Govardanan
For M/s.R.Gokulakrishnan R1
Mr.K.Surendran, AGP R2



ORDER

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Challenging the order passed by the second respondent dated 07.01.2019, the petitioner has filed the present writ petition.

2. It is the case of the petitioner that the first respondent herein was employed as a conductor from 30.04.1981 and completed 33 years of service and got promoted as Inspector and thereafter, he retired on 31.05.2014. The petitioner has filed computation petition claiming the deficit in the pension, earned leave surrender amount and the deficit in the gratuity for a sum of Rs.1,69,334/- with 18% interest per annum. Without taking into account of the new basic pay from 01.09.2013, the second respondent awarded a sum of Rs.1,69,334/- with 9% interest. Challenging the said order, the present writ petition has been filed.

3. The learned counsel for the petitioner submitted that the claim raised by the first respondent is totally false. The first respondent has erroneously included his training period. He is not entitled to the same. The pensionable service is calculated from the date on which the first respondent was made permanent. As per the Tamil Nadu Government Transport Corporation Rules, the pension was correctly calculated and paid to the first respondent. Therefore,



the learned counsel prays to set aside the impugned order by allowing the writ petition.

4. The learned counsel for the first respondent submitted that the petitioner management is liable to pay 5.5% deficit in the pension and earned leave surrender amount and the deficit in the gratuity to the first respondent. The first respondent has rendered 33 years of service with the petitioner Management and he retired from service on 31.05.2014. When he retired from service, the basic pay was Rs.14,660/- As per the agreement dated 01.09.2013, after his retirement from 01.04.2015, his basic pay was refixed at Rs.15,710/- and DA was also enhanced at 100% and the same was calculated from 01.01.2014 and was paid by the petitioner. Since the first respondent was not paid with the retirement benefits, he has filed writ petition before this Court and the same ordered in his favour. However, without taking into account of the new basic pay, the petitioner has calculated the deficit pension and further, the petitioner has paying the DA only 90% instead of 100%. Hence, the first respondent has approached the Labour Court. The Labour Court, after considering the entire witness and documentary evidences, allowed the computation petition, which is perfectly in order and the same needs no interference.



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5. Heard the learned counsel for the petitioner and the learned counsel for the first respondent and perused the materials placed on record, apart from the pleadings of the parties.

6. Admittedly, the first respondent has entered into service in the year 1981. As per 12(3) settlement dated 13.04.2015, the employee is entitled for 5.5% of basic pay and he is also entitled for Rs.10/- of the Grade Pay. According to the workman, he was not paid the E.L. Surrender and DA properly. Hence, he has filed a writ petition before this Court in W.P.No.33390/2015 for claiming benefits of earned leave. As per the order, the petitioner Management has paid the benefits in instalments. However, the first respondent was paid only 204 of Earned leave and he was not paid remaining 19 days of EL. As per Ex.P9 Service Register, the training period also taken into account for gratuity and pension. Further, it is made clear from the admission of RW1 that the first respondent was not paid the pension amount by calculating at 100% for which he is entitled and also by restricting the basic pay and further by calculated 19 days deficit EL which was left over to pay the encashment of EL amount. The Labour Court has rightly appreciated all the aspects, ordered to pay a sum of Rs.1,69,334/- payable by the petitioner and



this court is not inclined to interfere with the said order.

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7. The writ petition therefore stands dismissed. No costs. The petitioner and the second respondent are directed to disburse the amount awarded by the Labour Court with 9% interest per annum within a period four weeks from the date of receipt of a copy of this order.

23.04.2025

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Index: Yes/No

Internet: Yes/No

Speaking /Non-speaking order

Neutral Case Citation : Yes/No

To

1. The Management
General Manager,
Tamil Nadu State Corporation (Villupuram) Ltd.,
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Villupuram.

2. The Administration,
Tamil Nadu State Transport Corporation Employees Pension Fund Trust,
Administrative Office, Thiruvalluvar House,
Pallavan Salai, Chennai-2.

3. The Principal Labour Court, Salem



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M.DHANDAPANI, J.

Rli

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