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W.P.No.28311 of 2019

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED : 04.04.2025**

**CORAM**

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

**W.P.No.28311 of 2019**

**And**

**W.M.P.No.27988 of 2019**

The Managing Director  
Tamil Nadu State Transport Corporation (Coimbatore) Ltd.,  
No.37, Mettupalayam Road,  
Coimbatore – 641 043.

... Petitioner

Vs.

R.Elango

... Respondent

**Prayer:**

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari calling for the records relating to the order dated 05.09.2019 passed by the Additional Labour Court, Coimbatore herein in E.P.No.51 of 2017 in W.P.No.8695 of 2014 and to quash the same.

For Petitioner : M/s.A.Sundaravadhanan  
For Respondent : Mr.L.Mouli

**ORDER**

The petitioner has filed this writ petition seeking issuance of



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Writ of Certiorari calling for the records relating to the order dated 05.09.2019 passed by the Additional Labour Court, Coimbatore, in E.P.No.51 of 2017 in W.P.No.8695 of 2014 and to quash the same.

2.The learned counsel appearing for the petitioner submitted that the respondent filed W.P.No.8695 of 2014 for payment of monthly pension due to him on his attaining the age of superannuation and the matter was settled before National Lok Adalat held on 11.06.2016 and the petitioner Corporation agreed to make payment of pension amount along with arrears due to the respondent as per law, after duly deducting the excess amount already paid, from the arrears of amount accrued by way of non-payment of pension to the respondent, as per the records of the petitioner, within a period of eight weeks from the date of receipt of a copy of the order, however, that award was not complied and hence, the respondent filed E.P.No.51 of 2017 claiming the total arrears of pension payable by the petitioner as on July, 2018 as Rs.3,90,203/- and to realize the amount, the respondent prayed to pass an order of attachment and sale of the petitioner's Scorpio car and the Labour Court passed the impugned order allowing the execution petition.



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3.The learned counsel appearing for the petitioner further submitted that as per the Lok Adalat settlement, the pension arrears from 01.01.2010 to 01.07.2016 is Rs.4,20,942/- and after deducting the recoverable amount of Rs.94,874/-, a sum of Rs.3,26,158/- was paid to the petitioner on 29.05.2017 and further submitted that the calculation arrived by the respondent is not in terms with the Lok Adalat award.

4.Per contra, the learned counsel appearing for the respondent submitted that as per the Lok Adalat award dated 11.06.2016, the petitioner Corporation agreed to make payment of pension amount along with arrears due to the respondent as per law, after duly deducting the excess amount already paid, from the arrears of amount accrued by way of non-payment of pension to the respondent, as per the records of the petitioner, however, the petitioner Corporation did not come forward to settle the amount by effecting proper calculation, thereby the execution petition filed by the respondent was allowed and hence, the impugned order warrants no interference.

5.Heard the learned counsel appearing for the petitioner as well



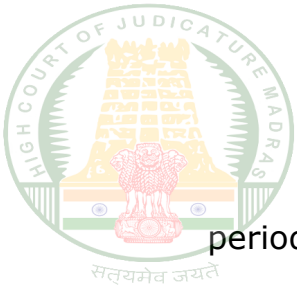
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as the learned counsel appearing for the respondent and perused the materials available on record.

6. Admittedly, the respondent filed W.P.No.8695 of 2014 for payment of monthly pension due to him on his attaining the age of superannuation and the matter was settled before National Lok Adalat held on 11.06.2016 and since the Lok Adalat award was not complied, the respondent filed E.P.No.51 of 2017. The petitioner claim that the pension arrears from 01.01.2010 to 01.07.2016 is Rs.4,20,942/- and after deducting the recoverable amount of Rs.94,874/-, a sum of Rs.3,26,158/- was paid to the petitioner on 29.05.2017, whereas the respondent claim that the petitioner has paid only a sum of Rs.3,26,158/- and has to pay the balance amount of Rs.3,90,203/-. The Labour Court passed the impugned order based on the last drawn wage of the respondent, which is a factual finding and which suffer no perversity.

7. The petitioner Corporation is directed to pay a sum of Rs.3,90,203/- (Rupees Three Lakhs Ninety Thousand Two Hundred and Three Only), without any interest, to the respondent, within a



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period of four weeks from the date of receipt of a copy of this order, failing which, the Additional Labour Court, Coimbatore, is directed to attach anyone of the bus belonging to the petitioner Corporation for releasing the said amount to the respondent.

8.The writ petition is disposed of with the above directions. No costs. Consequently, connected miscellaneous petition is closed.

**04.04.2025**

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

To

1.The Additional Labour Court,  
Coimbatore.



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**M.DHANDAPANI,J.**  
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