



WP.(MD)No.1400 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 04.11.2025

CORAM :

THE HON`BLE MR.JUSTICE B.PUGALENDHI

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1.Ramakrishnan (Died)

2.Murugesan

3.Suresh

4.Kamala

... Petitioners

(P2 to P4 are impleaded vide order dated 21.03.2025 in WMP.
(MD)No.6061 of 2025 in WP.(MD)No.1400 of 2019)

Vs.

1.The Management,

Tamil Nadu Express Transport Corporation Limited,
Madurai Branch,
Melur Road, Madurai-20.

2.Tamil Nadu State Express Transport Corporation Ltd.,
(Tamil Nadu Division-1) Pallavan Salai,
Chennai-2.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution



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of India, praying for the issuance of Writ of Certiorarified Mandamus, to call for the entire records relating to the impugned order dated 10.4.2014 in CP.No.64/2012 passed by the Labour Court, Madurai and quash the part of the order calculated the claim amount from the date of dismissal and direct the 1st & 2nd respondents to calculate the award of pension and benefits to the petitioner in the scale of pay from the date of retirement and within a time frame fixed by this Court.

For Petitioners : Mr.R.Ramasamy

For Respondents : Mr.K.Sathyasingh

ORDER

Pending writ petition, the petitioner, namely S.Ramakrishnan died and therefore, his legal heirs were impleaded as petitioners 2 to 4 to this writ petition.

2.The deceased petitioner was a retired employee of the Transport Corporation. He joined duty on 09.02.1977 and he was



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dismissed from service on 03.06.1993, pursuant to an accident took place on 05.11.1991. The deceased petitioner has challenged the order of dismissal by raising an industrial dispute in ID.No.61 of 1998. Criminal case registered as against the deceased petitioner was ended in acquittal. The industrial dispute was partly allowed in favour of the deceased petitioner with a direction to the Transport Corporation to reinstate the deceased petitioner with continuity of service, however, without back wages. This award was passed by the Labour Court on 10.11.2003. While so, the deceased petitioner attained superannuation on 31.03.2002 itself.

3. Thereafter, the deceased petitioner has filed a claim petition before the Labour Court, Madurai in the year 2012 in CP.No.64 of 2012. The said petition was disposed of, by an order dated 10.06.2014 that the deceased petitioner is entitled for pension at Rs.1,784/- after deducting 1/3rd commutation amount Rs.595/- by treating his last drawn wages at Rs.4,460/- and period of service at 24 years. The Labour Court, by fixing the eligible



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pension as Rs.1,784/- has arrived the total amount as Rs.74,864/- and after deducting a sum of Rs.44,555/- which was already provided to the deceased petitioner, directed the Corporation to pay Rs.31,129/-. Aggrieved by this, the deceased petitioner has preferred this writ petition claiming that he is entitled for 25 years of service, instead of 24 years and that the calculation has to be made by fixing the last drawn as Rs.5,190/- instead of Rs.4,460/-.

4.The learned counsel appearing for the petitioners draw the attention of this Court to the orders of this Court in WA.(MD)No. 406 of 2016 dated 16.03.2016 and submits that this Court in the earlier round of litigation has accepted that the petitioner is entitled for continuity of service as per the award passed by the Labour Court and therefore, the period of service has to be taken as 25 years, not as 24 years. He further submits that since the deceased petitioner has been provided continuity of service, last drawn wages also to be fixed as Rs.5,190/- which is the eligible salary for the person who had 25 years of service.



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WEB COPY 5. Heard the learned counsel on either side and perused the available materials on record.

6. The Labour Court has passed the award in ID.No.61 of 1998 in favour of the deceased petitioner by partly allowing the industrial dispute that the deceased petitioner is entitled for continuity of service, however, back wages has been denied in the award dated 10.11.2003. The award passed by the Labour Court has become final. Neither the deceased petitioner nor the Transport Corporation has been filed appeal as against the award passed by the Labour Court. In the meantime, the deceased petitioner attained superannuation and therefore, he has filed the claim petition in CP.No.64 of 2012. The Labour Court has disposed of the said petition that the petitioner is entitled for 24 years of service since he has been granted continuity of service and has fixed basic scale of pay Rs.4,460/- as last drawn pay.



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6. In fact, the Transport Corporation has filed a writ petition in WP.(MD)No.5594 of 2015 as against the order passed in the claim petition in CP.No.64 of 2012 and the same was dismissed by the learned Single Judge of this Court. As against the same, the Transport Corporation has preferred a writ appeal in WA.(MD)No.406 of 2016 and the same was also dismissed vide judgment dated 16.03.2016 as under:-

5. ...When the Labour Court has directed the appellant Corporation, to provide reinstatement with continuity of service, non-employment period has to be certainly reckoned for pensionary benefits. The abovesaid aspect has been rightly taken note of by the Writ Court, while declining to set aside the order in C.P.No.64 of 2012 dated 10.06.2014 passed by the 1st respondent/Labour Court, Madurai.

6. Going through the impugned order, we find that there are no grounds to interfere with the same. Hence, the writ appeal is dismissed. The arrears of pensionary benefits is Rs.31,129/-. From the material on record, it could be deduced that the 2nd respondent has started his legal battle from 1998 and nearly 18 years has passed. Considering the



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fact that the amount towards the pensionary benefits is meagre, the appellants are directed to make the payment within two weeks from the date of receipt of a copy of this order. No costs. Consequently, C.M.P.(MD)No.2814 of 2016 is closed.

7.Since the issue as against CP.No.64 of 2012 was already decided, no further order is required. Admittedly, the deceased petitioner entered into service on 09.02.1977 and his date of superannuation is 31.03.2002. Since continuity of service has been granted, the service period would be 25 years. However, the award has been passed in the claim petition by calculating 24 years of service by the Labour Court. Therefore, this Court holds that the deceased petitioner is entitled to calculate the period of service as 25 years. Since the deceased petitioner has been denied back wages, he is not inclined for any notional increments. Therefore, this Court is not inclined to interfere with the amount which has been arrived as last drawn wages for the calculation of pension benefits.



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8.By modifying the order passed in CP.No.64 of 2012 that the deceased petitioner is entitled for 25 years service, this writ petition is disposed of. The difference of amount has to be paid to the legal heirs of the deceased petitioner, ie., petitioners 2 to 4, within a period of eight weeks from the date of receipt of a copy of this order. No costs.

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NCC : Yes/No

Index : Yes/No

Internet:Yes

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To

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