



W.P(MD)No.9584 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.11.2025

CORAM

THE HONOURABLE **MR.JUSTICE C.KUMARAPPAN**

WP(MD)No.9584 of 2019

L.Balasubramanian

...Petitioner

vs.

1.The Management of Tamil Nadu
State Corporation (Tirunelveli) Ltd.,
Tirunelveli Region,
Rep. by its Managing Director,
Tirunelveli.

2.The Administrator,
Tamil Nadu State Transport
Employees' Pension Fund Trust,
Thiruvalluvar Illam,
Anna Salai,
Chennai - 2.

...Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Certiorarified Mandamus after calling for the records relating to the impugned order of 1st respondent in 5226/E6/PA.A./THA.A.PO.KA/THILI/2010, dated 02.02.2021, quash the same and consequently direct respondents to revise the pension benefits of the petitioner, namely monthly pension from September, 2010 under TNSTCE Pension Fund Rules and Commuted Value of Pension based on the scale of pay payable to him on the month of his retirement i.e., August, 2010 as per the order of the Labour Court, Thirunelveli, dated 22.10.2012 in C.P.No.17 of 2011 as complied with by the first respondent to pay him



W.P(MD)No.9584 of 2019

difference in commuted value of pension and monthly pension for the period from September 2010 together with 18 percentage interest per annum, within a time frame as may be fixed by this Court.

(Prayer amended vide Court order dated 07.08.2025 in W.M.P.(MD)No. 16990 of 2025 in W.P.(MD)No.9584 f 2019)

For Petitioner : Mr.S.Arunachalam

For Respondents : Mr.R.Rajamohan,
Standing Counsel for R1

Mr.S.C.Herold Singh
Standing Counsel for R2

ORDER

The present writ petition has been filed seeking for a writ of certiorarified mandamus to quash the impugned order dated 02.02.2021, by and in which, the respondents dispute the petitioner's last drawn pay and refused to revise the pensionary benefits of the petitioner.

2. Heard both sides.

3. The learned counsel appearing for the petitioner would submit that the petitioner had filed a Computation Petition before the Labour Court in C.P.No.17 of 2011, and in the calculation given therein, the petitioner's last drawn pay was mentioned as Rs.11,015/- and that last drawn salary was



W.P(MD)No.9584 of 2019

accepted by the Labour Court and the Court had granted order in favour of the petitioner. In pursuance thereof, the respondents have also settled the amount. Therefore, denying the pension based on last drawn pay is in contravention of law. Hence, prayed to allow the petition.

4. The said contention was totally objected by the learned standing counsel for the second respondent, who would contend that the calculation memo was never accepted by the respondents. Even in their counter statement, which was extracted in the Computation Petition, it has been specifically referred about the denial of the respondents in regard to the calculation memo. The learned counsel further submits that since they have settled the amount to the petitioner based upon the Labour Court order, the question of granting pension based on last drawn pay does not arise and the petitioner's pension has been paid taking into consideration of his last drawn pay as Rs.9,515/- and such proceedings in accordance with law. Hence, he prayed to dismiss the petition.

5. I have given anxious consideration to either side submissions.

6. The short point to be considered in the present writ petition is what was the last drawn pay of the petitioner?



W.P(MD)No.9584 of 2019

WEB COPY

7. In the case in hand, there is no serious dispute in respect of filing of calculation memo before the Labour Court and such calculation memo was also dealt by the Labour Court in its order. No doubt, before the Labour Court, the respondents had denied the mode of calculation. But, ultimately, the Labour Court, on its own ratiocinations, held that the calculation memo is acceptable as the respondents have not disproved the same and such order had reached finality.

8. While looking at the calculation memo, from the month of May 2010 to August 2010, according to the petitioner, last drawn pay is Rs. 11,015/-. As already submitted, though the respondents denied such last drawn pay, they have failed to prove the same before the Labour Court and the Labour Court has also arrived at positive conclusion that the petitioner's calculation memo is liable to be accepted. In such circumstances, there is no hesitation for this Court to say that the last drawn pay of the petitioner is Rs. 11,015/-. As rightly pointed out by the learned counsel for the petitioner, the petitioner is entitled to have a revised pension based on the last drawn pay of Rs.11,015/-.

9. Therefore, the respondents are directed to pay the arrears in commuted value of pension and monthly pension, based on the last drawn



W.P(MD)No.9584 of 2019

pay of Rs.11,015/-, for the period from September 2010 till the disbursal of the amount, together with interest at the rate of 6% per annum, within a period of twelve (12) weeks from the date of receipt of a copy of this order.

9. Accordingly, the Writ Petition is disposed of. No costs.

05.11.2025

Index : Yes/No
NCC : Yes/No
Internet :Yes

mbi



WEB COPY



W.P(MD)No.9584 of 2019

C.KUMARAPPAN, J.

mbi

WP(MD)No.9584 of 2019

05.11.2025