



W.A.(MD)Nos.1930 and 1936 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 15.07.2025

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**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
and
THE HONOURABLE MR.JUSTICE K.RAJASEKAR**

**W.A.(MD)Nos.1930 and 1936 of 2025
and
C.M.P.(MD)Nos.10981 and 11024 of 2025**

W.A.(MD)No.1930 of 2025:-

The Management of Tamil Nadu State Transport
Corporation(Kumbakonam) Ltd.,
Karaikudi Region,
Rep by its General Manager,
Karaikudi.

... Appellant

Vs.

1.K.Kalaichamy

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

... Respondents

Prayer : Writ Appeal filed under Clause XV of Letters Patent, to allow the writ appeal by setting aside the order passed in W.P.(MD)No.20924 of 2018 dated 25.09.2024 on the file of this Court.

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For Appellant : Mr.S.C.Herold Singh

For Respondents : Mr.S.Arunachalam for R1

W.A.(MD)No.1936 of 2025:-

The Management of Tamil Nadu State Transport
Corporation(Kumbakonam Divn III) Ltd.,

Now renamed as

Tamil Nadu State Transport Corporation
(Kumbakonam) Ltd,

Rep by its General Manager,
Managiri, Karaikudi.

... Appellant

Vs.

1.The Presiding Officer,
Labour Court,
Madurai.

2.K.Kalaichamy

... Respondents

Prayer : Writ Appeal filed under Clause XV of Letters Patent, to allow the writ appeal by setting aside the order passed in W.P.(MD)No.12015 of 2014 dated 25.09.2024 on the file of this Court.

For Appellant : Mr.S.C.Herold Singh

For Respondents : Mr.S.Arunachalam for R2



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COMMON JUDGMENT
(By G.R.SWAMINATHAN, J.)

The management of TNSTC, Kumbakonam Limited has filed these writ appeals questioning the common order dated 25.09.2024 passed by the learned Single Judge disposing of W.P.(MD)No.12015 of 2014 and W.P.(MD)No.20924 of 2018 filed by K.Kalaichamy.

2.K.Kalaichamy was appointed as Driver in the appellant corporation on 25.05.1985. His services were regularized in the year 1996. He was unauthorizedly absent. He was therefore suspended from service. Disciplinary action was taken and domestic enquiry was conducted and he was finally was dismissed vide order dated 12.08.1996. Kalaichamy raised an industrial dispute and it was taken on file in I.D.No.125 of 1997 before the Labour Court, Madurai. Award was passed on 05.01.2008. The management was directed to reinstate the employee. Continuity of service was awarded. However, backwages were denied. Alleging that the management did not permit him to rejoin duty, Kalaichamy filed computation petition in C.P.No.109 of 2008. It was allowed on 28.02.2011. The stand of the management is that even

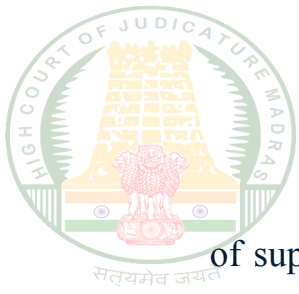


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after succeeding before the Labour Court, the employee did not chose to report for duty. The stand of the employee is that the management did not honour the award of the Labour Court. We do not want to go into this factual controversy. The learned Single Judge disposed of the writ petitions in the following terms:-

“12.In view of the foregoing discussions, this Court is of the view that the petitioner is entitled for continuity of service and terminal benefits. Since the petitioner has not filed any computation application after the period of November 2008, the respondent shall calculate the benefits for a minimum period of service, which is eligible for pension. Considering the submission made by the learned counsel for the petitioner that the petitioner is in death bed and considering the fact that these writ petitions are pending from the year 2014 and 2018 respectively, these writ petitions are allowed with a direction to the Management to calculate and pay the retirement benefits at the rate of 6% interest and the appropriate back-wages to this petitioner from March 2008 till November 2011, within a period of four weeks from the date of receipt of a copy of this order. No costs.”

3.When the writ appeals were taken up for hearing, the learned counsel for the employee submitted that he would not press for backwages for the period from 2008 till the date when he reached the age



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of superannuation. It was further undertaken that the employee will not lay any claim for interest provided the benefits are settled within a period of twelve weeks from today ie., 15.07.2025.

4.We are of the view that the stand of the employee is eminently fair. The fact remains that the management lost before the Labour Court both in ID as well as in the claim petition. The management did not chose to file any writ petition challenging the said awards. They had become final. Therefore, it has to be taken that Kalaichamy's service will have to be reckoned from 1985 till the date of his retirement ie., 30.04.2014. It is further agreed by the employee that he can be paid pension by reckoning his total number of years of service as ten years which will be the minimum pensionable service. The management has to necessarily remit the matching contribution for this minimum pensionable service.

5.These writ appeals are disposed of in the following terms:-

(i) The management will pay the eligible gratuity amount to the employee.



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(ii) *The management will pay pension by reckoning his*

total number of years of service as ten years.

(iii) *The management shall pay the matching contribution if there is any shortfall.*

(iv) *The arrears of pension to be calculated from 01.05.2014 till date shall be paid to the employee within a period of twelve weeks from today ie., 15.07.2025. The employee will be entitled to the usual monthly pension thereafter. The employee on his own forgoes any claim for interest.*

(v) *The employee will not be entitled to any backwage from March 2008 till 30.04.2014. No costs. Consequently, connected miscellaneous petitions are closed.*

(G.R.S. J.) & (K.R.S. J.)
15.07.2025

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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To:
The Presiding Officer,
Labour Court,
Madurai.

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