



W.P.(MD) No.16250 of 2019

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.03.2025

CORAM:

THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.(MD) No.16250 of 2019

and

W.M.P.(MD) No.12922 of 2019

The Administrator
TNSTC Employees Pension
Fund Trust
Thiruvalluvar House
Pallavan Salai, Chennai-600 002

... Petitioner

-VS-

1.The Managing Director
Tamil Nadu State Transport
Corporation (Madurai) Ltd.,
Bye Pass Road, Madurai

2.A.Sivalingam

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorari to call for the records relating to the impugned order, dated 03.04.2019, on the file of the Labour Court, Madurai, in I.A.No.249 of 2018 in C.P.No.66 of 2017 and quash the same as illegal.



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For Petitioner : Mr.S.C.Herold Singh

For Respondents : No appearance

ORDER

This writ petition has been filed by the petitioner – Pension Fund Trust aggrieved by an order dated 03.04.2019, passed in I.A.No.249 of 2018 in C.P.No.66 of 2017, on the file of the learned Labour Court, Madurai.

2. The said interlocutory application was filed by the petitioner – Pension Fund Trust contending that it has no relationship of employer and employee with the second respondent and therefore, the very claim petition itself is not maintainable, insofar as the petitioner herein is concerned, who was arrayed as second respondent in the main claim petition.

3. However, the learned Labour Court dismissed the said claim petition filed by the petitioner only on the ground that any order to be passed in the claim petition has to be complied with by the petitioner herein.



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4. The functioning of the petitioner herein is governed by the Tamil Nadu State Transport Corporation Employees' Pension Fund Rules. It is only in case if appropriate remittance is made by the employer in terms of the said Rules, liability can be fixed against the petitioner herein for payment of pension to the workmen, but not otherwise.

5. As it is brought to the notice of this Court that the main claim petition itself is coming up for trial, this Court is of the considered view that the issue can be better looked into by the learned Labour Court, while fixing the liability in respect of the claim made in the claim petition. Hence, the learned Labour Court, Madurai, is directed to frame a specific issue on the liability of the petitioner herein and decide the same by duly taking into consideration the provisions of the Tamil Nadu State Transport Corporation Employees' Pension Fund Rules, while disposing of the main claim petition. The learned Labour Court shall decide the issue afresh, without being influenced by any of the observations made in the impugned order.



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6. Accordingly, this writ petition is disposed of. No costs.

Consequently, connected miscellaneous petition is closed.

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NCC : Yes / No

Index : Yes / No

Internet : Yes / No

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To:

The Presiding Officer,
Labour Court, Madurai.



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MUMMINENI SUDHEER KUMAR, J.

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