



W.A(MD)No.83 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 11.06.2025

CORAM

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

**W.A(MD)No.83 of 2023
and
C.M.P(MD)No.1029 of 2023**

1.The Tamil Nadu State Transport Corporation
(Kumbakonam) Limited,
Represented by its Managing Director,
Kumbakonam.

... 1st Appellant /
1st Respondent

2.The General Manager,
The Tamil Nadu State Transport Corporation
(Kumbakonam) Limited,
Trichy Region,
Trichy.

... 2nd Appellant /
2nd Respondent

Vs.

1.R.Narayanan

... 1st Respondent /
Petitioner

2.The Administrator,
Tamil Nadu State Transport Corporation
Employees Pension Trust,
Thiruvalluvar House,
Pallavan Salai,
Chennai – 600 002.

... 2nd Respondent /
3rd Respondent



W.A(MD)No.83 of 2023

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent to set aside the order passed in W.P(MD)No.9534 of 2018 dated 03.01.2022.

For Appellants : Mr.SC.Herold Singh

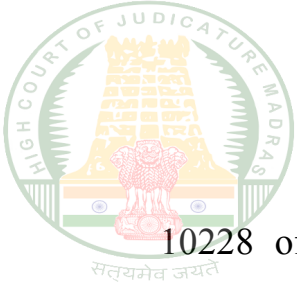
For Respondents : Mr.A.Rahul for R.1

JUDGMENT

(Judgment of the Court was made by **G.R.Swaminathan J.**)

The Management of TNSSTC, Kumbakonam Limited questions the order dated 03.01.2022 passed by the learned single Judge allowing W.P(MD)No. 9534 of 2018 filed by the first respondent herein.

2.The first respondent herein was working as driver in the appellant corporation. He was on unauthorised absence from 17.10.1998 till 10.11.1998. For this misconduct, Narayanan was dismissed from service vide order dated 04.01.1999. The employee raised an industrial dispute and the same was taken on file as I.D.No.135 of 2001 on the file of Labour Court, Trichy. Award was passed on 21.08.2006 modifying the punishment to one of discharge. The employees gratuity as well as the provident fund were paid. However, his pension was not paid. In the meanwhile, the employee filed W.P(MD)No.



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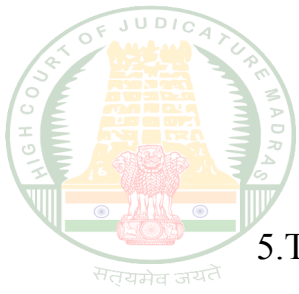
10228 of 2010 questioning the award itself but withdrew the same later.

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Thereafter, he filed W.P(MD)No.9534 of 2018 claiming pension and related relief. The Writ Petition was allowed by the learned single Judge vide order 03.01.2022 directing the department to grant the pension as well as commutation of pension. Challenging the same, the management is on Appeal.

3.The learned Standing Counsel appearing for the Corporation reiterated all the contentions set out in the grounds of Appeal and called upon us to set aside the order of the learned single Judge and allow this Writ Appeal.

4.We are not fully swayed by the said contention. As rightly pointed out by the learned counsel for the writ petitioner, the award of the labour Court clearly states that the appellant is entitled to “ஓய்வூதிய பலன்கள்”. The award itself has been authored in Tamil. Therefore, we would go only by the appropriate meaning that can be attached to the aforesaid expression. “ஓய்வூதிய பலன்கள்” actually means “pensionary benefits”. Unfortunately, the learned Judge of the labour Court has translated the same in parenthesis as “retirement terminal benefits”. Taking a cue from this erroneous translation, the management chose to deny the pensionary benefits to the writ petitioner. We are clearly of the view that this was incorrect on the part of the management.



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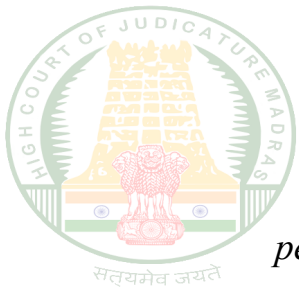
5. That apart, the learned single Judge had observed as follows:

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“17. The argument of the respondents to the effect that this writ petition would tantamount to this Court permitting an erroneous direction of the Tribunal to be implemented is also not liable to be accepted for the reason that the direction of the Tribunal is one that has been issued in terms of the wide power granted to it under Section 11(A) of the Act. If at all the respondents were aggrieved by the order, it was for them to have challenged it and sought modification which they have not chosen to do.

18. Rule 55 of the Tamil Nadu Industrial Disputes Act provides for the correction of errors in an order passed by the Labour Court, either an omission or a clerical mistake or an error in the proceedings. If at all the respondents were of the view that the direction for pension was contrary to law and constituted an error liable to be corrected by the Tribunal or one that ought to have challenged by way of writ petition, then the respondents ought to have taken recourse to such remedial action and not allowed the award to become final.

19. The respondents are fully bound to give effect to the directions of the Tribunal as R3, State Transport Corporation provident Fund Trust is fully bound by the order passed by the Labour Court. Thus, in light of the discussion aforesaid, the Mandamus as sought by the petitioner qua pension and commutation of pension is also accepted and a direction is issued for computation and pay over of the same, within a



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period of eight weeks from today. This Writ Petition is allowed.

No costs.”

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We find no reason to fault the aforesaid observation of the learned single Judge.

6.The learned counsel for the writ petitioner draws out attention to the two decisions of this Court. One is dated 22.02.2013 made W.P(MD)No.2115 of 2007 (M.Kalaiselvi Vs The Deputy Secretary to Government & Others) and the other one dated 24.01.2018 made in W.P(MD)No.3289 of 2014 (S.Kandhasamy Vs The Tamil Nadu Transport Corporation (Madurai) Limited & Others). In both these cases, it was held that where the labour Court chose to modify the punishment from dismissal to discharge, the intention of the labour Court was that employee is entitled to pensionary benefits. In other words, modification of the punishment to one of discharge would not deprive the employee of pensionary benefits. In this case, when the award itself employs the expression “ஓய்வூதிய பலன்கள்” ie., “pensionary benefits”, we have to concur with the view taken by the learned single Judge. However, one aspect of the matter deserves to be take note of. The employee was deemed to have been discharged with effect from 04.01.1999. By then, the appellant had put in 18 years of service and therefore he is entitled to pension. But, the employee did not come to the Court immediately. He filed the Writ Petition only in the year



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2018 i.e., in June 2018. The writ petitioner can be given pension only with effect from June 2015 onwards. In all other aspects, the order of the learned single Judge is confirmed. The amount payable to the petitioner shall be computed with effect from June 2015 and it shall be paid within a period of twelve weeks from the date of receipt of a copy of this order.

7. With the aforesaid modification, this Writ Appeal is partly allowed. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

[G.R.S., J.] [K.R.S., J.]
11.06.2025

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

To

The Administrator,
Tamil Nadu State Transport Corporation
Employees Pension Trust,
Thiruvalluvar House,
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