



W.P.(MD).No.25447 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 28.07.2025

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.25447 of 2018

and

W.M.P(MD) Nos.23035 of 2018 and 7692 of 2019

The Managing Director,
Tamil Nadu State Transport Corporation,
Periyamilaguparai,
Tiruchirapalli – 1.

... Petitioner

Vs.

S.Ramalingam

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for the records relating to the impugned award on the file of Labour Court, Tiruchirappalli dated 24.06.2017 in I.D.No.35 of 2009 and quash the same in so far as the direction for providing alternative employment with continuity of service, pay protection and 25% back wages.

For Petitioner : Mr.S.C.Herold Singh

For Respondent : Mr.G.M.Xavier



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ORDER

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The Management of the Tamil Nadu State Transport Corporation has filed the present Writ Petition challenging the award passed by the Labour Court, Tiruchirappalli, in I.D.No.35 of 2009 dated 24.06.2017.

2. The respondent herein, who was employed as a Conductor, was issued with a charge Memo on 16.05.2005, alleging that he was unauthorizedly absent for the duty between 02.03.2005 and 07.05.2005. Being not satisfied with the explanation offered by the workman, domestic enquiry was ordered. The charges as against the respondent/workman were found to be proved in the domestic enquiry and ultimately, an order of dismissal was passed by the Management on 02.08.2006. The workman had challenged the same before the Labour Court, Tiruchirappalli in I.D.No.35 of 2009.

3. The Labour Court, after considering the submissions made on either side, was pleased to set aside the order of dismissal from service ordering reinstatement with 25% backwages. Challenging the same, the present Writ Petition has been filed by the Management.



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4. Pending Writ Petition, the workman has attained superannuation on 31.12.2022. The workman had filed an affidavit before this Court dated 28.07.2025 to the effect that he is ready to forgo the entire 25% of backwages to the tune of Rs.13,00,000/- (Rupees Thirteen Lakhs only) and he has also submitted that he is ready to pay a sum of Rs.6,00,000/- (Rupees Six Lakhs only) as EPF amount. Therefore, the balance amount of Rs.9,00,000/- (Rupees Nine Lakhs only) may be paid by the Management as full and final settlement and the pension would be paid by the Management from 01.08.2025 onwards.

5. The learned counsel appearing for the petitioner/Management pointed out that the contribution by the employee towards pension scheme has not been paid during which he was not in employment and the said contribution cannot be paid by the Management.

6. The learned counsel appearing for the respondent/workman has pointed out that he has already given up Provident Fund Contribution of Rs.6,00,000/- (Rupees Six Lakhs only) and therefore, there cannot be any financial difficulty for the Management to pay the said contribution and



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continue to pay the pension and calculate the said period for pensionable service.

7. Heard the learned counsel appearing on either side and perused the materials available on record.

8. The order of reinstating 25% of backwages is put to challenge in the present Writ Petition. In the meantime, the workman has attained superannuation on 31.12.2022 and he has filed an affidavit to the effect that he is ready to give up a sum of Rs.19,00,000/- (Rupees Nineteen Lakhs only) approximately and he prays for payment of Rs.9,00,000/- (Rupees Nine Lakhs only) as terminal benefits and the pensionary benefits. When the workman has already given up a sum of Rs.19,00,000/- (Rupees Nineteen Lakhs only) out of terminal benefits, which were granted by the Labour Court, the Management cannot have any grievance over the payment of contribution amount in the pension scheme for the period during which the workman was not in employment.



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9. In view of the above said facts, this Court is inclined to pass the following order.

a) The petitioner/Management shall pay a sum of Rs.9,00,000/- (Rupees Nine Lakhs only) as full and final settlement of the terminal benefits to the workman of the writ petitioner within a period of twelve weeks from the date of receipt of a copy of this order; and

b) The contribution on the part of the workman to the pension scheme shall be made by the Management for non-employment period and the pension shall be released with effect from August 2025 onwards.

10. With the above said observation, this Writ Petition stands disposed of. There shall be no order as to costs. Consequently connected Miscellaneous Petitions stand closed.

28.07.2025

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

The Labour Court,
Tiruchirappalli.



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R.VIJAYAKUMAR,J.

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