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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10-06-2026

CORAM

THE HON'BLE MR JUSTICE S. M. SUBRAMANIAM

AND

THE HON'BLE MR.JUSTICE N.SENTHILKUMAR

WA No. 1177 of 2026

R.Pandiyan

..Appellant(s)

Vs

1. The Managing Director  
State Express Transport Corporation Ltd.,  
No. 2, Pallavan Salai,  
Chennai 600002.
2. The Administrator  
Tamil Nadu State Transport Corporation,  
Employees Pension Fund Trust,  
Pallavan Salai, Chennai 600002.

..Respondent(s)

Writ Appeal filed under Clause 15 of the Letters Patent issuing writ of mandamus to set aside the order dated 04.07.2024 passed in W.P.No.803 of 2022.

|                    |                                                          |
|--------------------|----------------------------------------------------------|
| For Appellant(s):  | Mr.T.Karkivelan                                          |
| For Respondent(s): | MR.T.Chandrasekaran, for R1<br>Mr.C.S.K. Sathish, for R2 |

### **JUDGMENT**

**(Judgment of the Court was delivered by S.M.Subramaniam J.)**

The present intra-court appeal has been instituted to challenge the writ order dated 04.07.2024 passed in W.P. No. 803 of 2022.



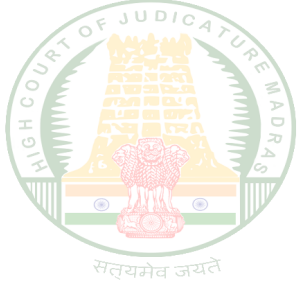
2. Writ petitioner is the appellant before this Court. Writ of mandamus has been instituted by the appellant seeking direction to the respondent to pay pension, gratuity, provident fund and other terminal benefits based on the Award dated 21.12.2006 passed in ID.No.485 of 2002. No writ petition is maintainable for execution of an Award passed by the Labour Court, since execution proceedings are contemplated under the provisions of Industrial Tribunals Act. Section 10B of the Act reads as under,

***“10B. Power to issue order regarding terms and conditions of service pending settlement of disputes.—(1) Where an industrial dispute has been***

*referred by the State Government to a Labour Court or a Tribunal under Sub-section (1) of section 10 and if in the opinion of the State Government it is necessary or expedient so to do for securing the public safety or convenience or the maintenance of public order or supplies and services essential to the life of the community or for maintain employment or industrial peace in the establishment concerning which such reference has been made, it may, by general or special order, make provision,—*

*(a) for requiring the employer or workman or both to observe such terms and conditions of employment s may be specified in the order or as may be determined in accordance with the order, including payment of money by the employer to any person who is or has been a workman;*

*(b) for requiring any public utility service not to close*



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*or remain closed and to work or continue to work on such terms and conditions as may be specified in the order, and*

*(c) for any incidental or supplementary matter which appears to it to be necessary or expedients for the purpose of the order:*

*Provident that no order made under this sub-section shall require any employer to observe terms and conditions of employment less favorable to the workman than those which were applicable to them at any time within the months immediately preceeding the date of the order.*

*Explanation.—For the purpose the this sub-section “public utility service” means,—*

*(i) any section of an industrial establishment on the working of which the safety of the establishment or the workman employed therein depends;*

*(ii) any industry which supplies power, light or water to the public;*

*(iii) any industry which has been declared by the State Government to be a public utility service for the purpose of this Act. 21*

*(2) An order made under sub-section (1) shall cease to operate on the expiry of a period of six months from the date of the order or on the date of the award of the Labour Court or the Tribunal, as the case may be, whichever is earlier.*



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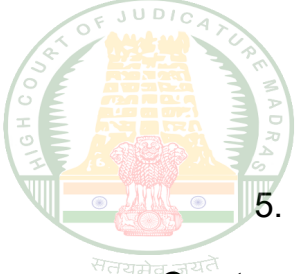
*(3) Any money paid by an employer to any person in pursuance of an order under sub-section (1), may be deducted by that employer from out of any monetary benefit to which such person becomes entitled under the provisions of any award passed by the Labour Court or the Tribunal, as the case may be.”<sup>1</sup>*

3. Therefore, writ petition seeking a direction to implement the award is not maintainable. Pertinently, Labour Court passed an award on 21.12.2006 in ID.No.485 of 2002, and the appellant filed a writ petition in the year 2022 after disposal of the writ petition filed by the Transport Corporation.

4. May that as it be, appellant, pursuant to the Award, was directed to report for duty before the Branch Manager, Thiruvananthapuram depot by communication dated 18.10.2013. But the appellant has not reported for duty. Therefore, now he cannot turn around and say he is entitled for pensionary benefits. Pertinently, appellant has served for about 2 years and 26 days in Transport Corporation. Therefore, he has not completed minimum qualifying services for the purpose of terminal and pension benefits. Writ Court relying on the length of services of the appellant as well as communication of the Transport Corporation dated 18.10.2013 asking the appellant to report for duty, arrived at a conclusion and dismissed the writ petition.

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<sup>1</sup> Inserted by Tamil Nadu Act 36 of 1982, Section 2 (w.e.f. 15.08.1982)



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5. Thus, this Court does not find any infirmity in the order of the Writ Court, and order dated 04.07.2024 passed in W.P.No.803 of 2022 is confirmed. Accordingly, the writ appeal is dismissed. No costs. Consequently, the connected miscellaneous petitions, if any, are closed.

(S.M.S.,J.) (N.S.,J.)  
10-06-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

GD

To

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**S.M.SUBRAMANIAM, J.  
AND  
N.SENTHILKUMAR, J.**

**GD**

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**10-06-2026**