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WP No. 4767 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25-03-2026

CORAM

THE HON'BLE MS. JUSTICE P.T. ASHA

WP No. 4767 of 2025

L.Devarajan

..Petitioner(s)

Vs

1. The Managing Director
Metropolitan Transport Corporation
(chennai) Ltd, Pallavanillam, Anna Salai
Chennai 600 002

2. The Administrator
Tamil Nadu State Transport Corporation
Employees Pension Fund Trust,
Pallavansalai, Chennai 600 002

..Respondent(s)

Prayer: This writ petition is filed under Article 226 of the Constitution of India, seeking writ of mandamus, directing the respondents to revise pension by notionally fixing correct basic pay on the date retirement and taking note of petitioner entire service for calculating pension and to return Rs.43,063/- collected towards un implemented punishment amount to the petitioner.

For Petitioner(s): S.T.Varadarajalu

For Respondent(s): Mr.R.Balaji
Standing Counsel



ORDER

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This Writ Petition has been filed for a direction directing the respondent to revise the pension of the petitioner by notionally fixing the correct basic pay on the date of retirement and taking note of his entire service for calculating pension and also to return Rs.43,062/- collected towards un implemented punishment amount.

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

3. The petitioner was appointed as Conductor on 08.02.1984 in the first respondent Management. After completion of twenty three years of his service, he was dismissed from service. Therefore, the petitioner raised an Industrial Dispute in ID No.359 of 2009 before the Labour Court, Chennai. The Labour Court, Chennai, by an order dated 31.01.2012, directed the management to reinstate the petitioner with continuity of service with 50% of back wages and other allowances. It was challenged before this Court in W.P.No.17233 of 2012 by the Management. Pending Writ Petition, the petitioner attained the age of



superannuation on 30.06.2012. The petitioner also expressed his willingness to forego 50% of back wages from the date of dismissal to the date of retirement.

4. This Court, by an order dated 17.12.2021, passed an order, thereby the first respondent was directed to pay all the attendant benefits to the petitioner by taking into consideration the services from the date of dismissal till the date of retirement as continuity of service and settle pension and other terminal benefits, based on notional pay fixation within a period of four months from the date of receipt of a copy of the order. Accordingly, the first respondent, by an order dated 29.08.2022, considered his entire service to pay all benefits as directed by this Court. Insofar as the pensionary benefits is concerned, the entire period of service of the petitioner was not taken into account and only the period of seventeen years was taken into consideration for fixing pension. It is relevant to extract the order passed by this Court in W.P.17233 of 2012, dated 07.12.2021, which reads as follows :

5. In view of the above settlement entered into between the parties, this Court passes the following directions:



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(i)The petitioner corporation is directed to pay all attendant benefits to the first respondent / employee by taking into consideration the services of the petitioner from the date of dismissal till the date of retirement as continuity of service and settle pension and other terminal benefits, based on notional pay fixation, without any interest, within a period of four months from the date of receipt of a copy of this order;

(ii)The petitioner / corporation can deduct the amount towards the contribution of Provident Fund and pay the remaining Provident Fund amount to the first respondent / employee ; and

(iii)The petitioner / corporation is at liberty to file appropriate application before the Labour Court to withdraw the amount deposited by them towards backwages, as per the interim order of this Court.”

Therefore, the petitioner is entitled for pension and other terminal benefits for the entire period of his service.



6. In view of the above, the first respondent is directed to revise the petitioner's pension by taking into account his entire service and to fix the correct wages payable to the petitioner as per the order dated 30.05.2019 passed by this Court in W.P.No.11502 of 2022 and disburse the entire benefits to the petitioner within a period of twelve weeks from the date of receipt of a copy of this order. Insofar as the refund of Rs.43,062/- is concerned, the petitioner is at liberty to submit a fresh representation before the first respondent and on receipt of the same, the first respondent is directed to consider the same and pass orders on merits and in accordance with law, within a period of eight weeks, thereafter.

7. With the above direction, this Writ Petition stands allowed. No costs.

25-03-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

KAN



To

1. The Managing Director
Metropolitan Transport Corporation (chennai) Ltd, Pallavanillam, Anna
Salai Chennai 600 002

2. The Administrator
Tamil Nadu State Transport Corporation Employees Pension Fund
Trust, Pallavansalai, Chennai 600 002



WEB COPY

WP No. 4767 of 2



P.T.ASHA, J.

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