



WEB COPY

WP No. 5821 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03-03-2026

CORAM

THE HON'BLE MR JUSTICE M.DHANDAPANI

WP No. 5821 of 2026

K.Govindakrishnan Spl.G.Con., (retd.)
S/o.Kannan Pillai
No.22/71 Koil Street, Dr.Ambedkar Nagar
Padikuppam Salai, Chennai 600040.

..Petitioner(s)

Vs

1. The Managing Director
Tamil Nadu State Corporation (VPM) Ltd
3/137 Salamedu Valuthareddy Post
Villupuram 605 602.
2. The Administrator
Tamil Nadu State Corporation Pension Fund
Trust
Thiruvalluvar House, Pallavan Salai
Chennai 600009.

..Respondent(s)

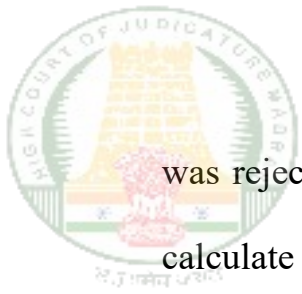
Prayer:- Writ Petition is filed under Article 226 of the Constitution of India, pleased to issue Writ of Certiorarified Mandamus or any other appropriate writ or order or direction in the nature of writ calling for the records related to the impugned order passed by the 2nd Additional Labour Court in C.P.No. 65 of 2023 dated 18.09.2025 and quash the same and consequently direct the respondents to calculate the pensionable service of the petitioner from the date on which the petitioner becoming a member of the Tamil Nadu State Transport Corporation Employee Pension Fund Rules for the purpose of grant of Pension, following the order passed by the Division Bench of this Court in 1) W.A.No. 2202 of 2024 dated 12.11.2024 2) W.A.No. 1492 of 2024 dated 02.09.2024.

For Petitioner(s): M/s.V.S.Jagadeesan
For Respondent(s): Mr.M.Aswin

**ORDER**

This Writ Petition is filed seeking to quash the order passed by the II Additional Labour Court, Chennai, in C.P.No.65 of 2023 dated 18.09.2025 and consequently to direct the respondents to calculate the petitioner's pensionable service from the date he became a member of the Tamil Nadu State Transport Corporation Employee's Pension Fund for the purpose of granting Pension.

2.The learned counsel for the petitioner submitted that the petitioner was appointed as a Conductor on 10.05.1987 and after twenty eight years of service, retired on 31.05.2016 upon attaining the age of superannuation. At the time of retirement, the petitioner was serving in the cadre of Special Grade Conductor. However, the first respondent wrongly calculated the pensionable service as twenty eight years instead of twenty nine years. As per the Rule 2 (p) (iii) of the Tamil Nadu State Transport Corporation Employee's Pension Fund Rules, pensionable service must be calculated from the date of regularisation of service or from the date of Provident Fund Membership. He contended that since the petitioner was appointed on 10.05.1987 and became a Member of the Employee's Provident Fund on 01.06.1987, he is eligible for his pensionable service to be calculated as twenty nine years. Due to this discrepancy, the petitioner is receiving a lower pension amount. Consequently, the petitioner filed a Claim Petition in C.P.No.65 of 2023 before the Labour Court, which



was rejected. The learned counsel further argued that the respondents failed to calculate the pension from the date of regularisation and that the petitioner is entitled to pension arrears amounting to Rs.53,422/-.

3.The learned Government Advocate appearing for the respondents submitted that as per rule 2 (1) of the said Pension Fund Rules, petitioner became a regular employee only after contributing to the Provident Fund, which commenced on 01.06.1987. Although, the petitioner was appointed as a Conductor on daily wage basis on 10.05.1987, he became a monthly salaried employee only on 01.06.1987. According to the respondent's calculation, the petitioner rendered twenty years of qualifying service. It was further argued that the petitioner filed the Claim Petition after a delay of eight years. The Labour Court citing the order passed by this Court in W.P.No.10677 of 2015 on 12.09.2022, rightly dismissed the claim petition.

4.Heard the learned counsels on either side and perused the materials available on record.

5.In the present petition the petitioner is claiming pensionary benefits from the date of service as a daily wage employee. It is well settled that the Labour Court, while exercising power under Section 33 (c) (2) of Industrial Disputes Act, acts as an Executing Court and cannot adjudicate upon an



entitlement that is disputed by the employer. Since, the petitioner's right to include daily wage service is not a pre-existing right, it cannot be considered under this Section. Hence, the Labour Court rightly dismissed the claim petition. Accordingly the Writ petition is dismissed with liberty to the petitioner to work out his remedy in a manner known to law.

03-03-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

ep



WEB COPY

To

1. The Managing Director
Tamil Nadu State Corporation (VPM) Ltd
3/137 Salamedu Valuthareddy Post
Villupuram 605602.
2. The Administrator
Tamil Nadu State Corporation Pension Fund
Trust
Thiruvalluvar House, Pallavan Salai
Chennai 600009.



WEB COPY

WP No. 5821 of 2



M.DHANDAPANI, J.

ep

WP No. 5821 of 2026

03-03-2026