



WEB COPY

WP No.23777 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11-03-2026

CORAM

THE HON'BLE MR.JUSTICE MOHAMMED SHAFFIQ

W.P.No. 23777 of 2022

S.Somasundaram

..Petitioner

Vs

1. The Managing Director,
Metropolitan Transport Corporation
(Chennai) Ltd.,
Anna Salai, Pallavan Illam,
Chennai 02.
2. The Administrator
Tamil Nadu State Transport Corporation,
Employees Pension Fund,
Pallavan Salai,
Chennai-600 002

..Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct respondents to settle the terminal benefits with pension taking note of entire service of the petitioner after given effect in accordance with the previous Wage settlements pay revision.

For Petitioner : Mr.S.T.Varadarajalu

For Respondents : Mr.R.Balaji
Standing Counsel
for the first respondent

Mr.C.S.K.Satish
for the second respondent



ORDER

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The present writ petition has been filed for a direction to respondents to settle the terminal benefits with pension taking note of entire service of the petitioner after giving effect to pay revision through previous wage settlement pay revisions.

2. Brief facts:

2.1. Petitioner joined the service of the respondent Corporation on 11.05.1983 as a Driver. According to petitioner, he had worked from the date of his appointment continuously without any break. He was lastly employed at Ambattur depot. Petitioner took ill and was on leave from 27.10.2006 until 25.02.2008 when he was dismissed from service. According to petitioner, dismissal order was passed without any enquiry. Petitioner attained superannuation on 30.11.2017 and thus cannot be reinstated. However, he is entitled to get backwages and terminal benefits such as pension, gratuity, PF, etc. from the date of dismissal to the date of retirement.

2.2. According to the petitioner, after dismissal, respondent Corporation had filed an approval petition before the Joint Commissioner of Labour in AP No.564 of 2011, seeking approval for dismissal under Section 33(2)(B) of ID Act. However, the same was rejected on 25.07.2013, on technical grounds.



Thereafter, petitioner filed a Computation Petition in Computation Petition No.294 of 2011 before the II Additional Labour Court and the same was allowed on 05.02.2019, wherein respondent Corporation was directed to pay Rs.1,00,000/- as compensation plus terminal benefits. The above directions were not complied with by respondent Corporation. In the meantime, respondent Corporation filed a writ petition in W.P.No.25243 of 2013 seeking to quash the order dated 25.07.2013, rejecting the approval and this Court, by order dated 18.02.2022 dismissed the said writ petition.

3. Aggrieved by the order passed by this Court in W.P.No.25243 of 2013 dated 18.02.2022, the first respondent Corporation preferred an appeal before Division Bench of this Court in W.A.No.1264 of 2023 and this Court, by judgment dated 19.06.2023 had disposed of the said appeal. The relevant portion of the judgment is extracted hereunder:

“9. However, Mr.S.T.Varadarajulu, learned counsel for the second respondent workman submitted across the bar that the second respondent workman is willing to give up 50% of the backwages as he had attained the age of superannuation in 2017, provided he is given continuity of service and the appellant Transport Corporation pays the employer’s contribution towards Provident Fund. He also filed a memo dated 19.06.2023 to that effect.

10. Taking into account the aforesaid memo, the second respondent workman is deprived of 50% backwages.



However, it is made clear that the entire service put in by him will have to be reckoned for the purpose of continuity of service and other attendant benefits. Further, the appellant Transport Corporation shall contribute its share and the share of the second respondent workman towards Provident Fund, of course, without interest, within a period of four months from the date of receipt of a copy of this judgment, thereby enabling the second respondent workman to get correct pensionary benefits. It is needless to state that gratuity and pension, if applicable, shall be extended to the second respondent workman, within a period of four months.”

4. It is the case of the petitioner that calculation of the terminal benefits suffers from certain errors, to which, learned Standing Counsel for the first respondent would submit that petitioner may submit a fresh representation with re-working of the terminal benefits, which according to petitioner are due and if any such representation is made, the same would be decided, keeping in view the judgment of the aforementioned Division Bench of this Court and any other order and pass appropriate orders, and in accordance with the law. Agreed to by the learned counsel for petitioner.

5. In view of the above submissions made by the learned Standing Counsel for the first respondent as well as learned counsel for petitioner, this



court is inclined to dispose of the writ petition with the following directions:

i) It is open to petitioner to file a fresh representation along with revised calculation memo before the first respondent/Corporation, within a period of two weeks from the date of receipt of a copy of this order.

ii) If any such representation is filed along with revised calculation memo, the first respondent/Corporation shall decide the above representation, on merits, keeping in view judgment of the Division Bench of this Court in W.A.No.1264 of 2023 dated 19.06.2023, within a period of four weeks thereafter.

6. Accordingly, this writ petition stands disposed of. There will be no order as to costs.

11-03-2026

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

To

1. The Managing Director,
Metropolitan Transport Corporation (Chennai) Ltd.,
Anna Salai, Pallavan Illam, Chennai 02.
2. The Administrator,
Tamil Nadu State Transport Corporation,
Employees Pension Fund,
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MOHAMMED SHAFFIQ, J.

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