

BEFORE THE PRINCIPAL LABOUR COURT, COIMBATORE.

Present : Tmt. A.P. Latha, B.Sc., B.L.,
Presiding Officer,
Principal Labour Court,
Coimbatore.

Tuesday, the 10th day of March, 2026.

CP No.81/2025

(CNR No.TNCB04-000137-2025)

Mr. M.R.Dass, (Age 72)

..... Petitioner

S/o.Rangasamy,

Door No.2, Kokkali Thottam,

Ondipudhur,

Coimbatore – 641 016.

~ Versus ~

1. The Management,,

Tamilnadu Arasu Pokkuvarathu

Kazhagam (Kovai) Ltd.,

Rep. by its Managing Director,

37, Mettupalayam Road,

Coimbatore – 641 043.

2. The Management,

Tamilnadu Arasu Pokkuvarathu

Kazhagam Ltd.,

Rep. by its Managing Director,

Erode Zone, Chennimalai Road,

Erode – I.

3. The Management,
Tamilnadu Arasu Pokkuvarathu
Kalaga Uzhiyar Oyudhiya Nidhi, (Employee Pension Fund)
Pallavan Salai,
Chennai – 2. Respondent

This Petition came up for final hearing before me on 09.03.2026 in the presence of Thiru.D.Sathish Shankar, Advocate for the Petitioner and Mrs.K.T.Kannikasankareswari, Advocate for the respondent, upon hearing the arguments of both sides, perusing the entire materials on record and having stood over for consideration till this date, this Court passed the following :-

ORDER

This computation petition is filed under Section 33 (C) (2) of the ID Act 1947 to direct the respondent to pay a sum of Rs.1,25,750/- along with interest at 12% p.a.

2. The brief averments of the Computation Petition :

The petitioner was appointed as an Conductor in the respondent management on 08.11.1978 and served for 34 consecutive years without any fault. The petitioner was promoted to the post of Superintendent and got superannuated on 29.02.2012 after attaining the age of 58 years. The workers working in the respondent are entitled to save their earned leave for a period of up to 240 days. Further, the medical leave and other leave benefits of the workers have been modified in the agreement made on 13.02.1999 under Section 12(3) of the Industrial Disputes

Act and the medical leave benefits, special medical leave benefits and injury leave benefits previously granted are also modified. In particular, instead of 15 days of medical leave per year, it has been agreed that a maximum of 540 days can be saved at the rate of 90 days in 5 years and the workers are not entitled for special medical leaves benefits and injury leaves benefits.

3. In the agreement entered into on 30.09.1992 before the Special Labour Commissioner, Chennai, under Section 12(3) of the Industrial Disputes Act, between all the State Transport Corporations in Tamil Nadu, including the respondent management, and the trade unions, a Post Retirement Welfare Scheme was established and implemented from 01.09.1992. Based on the above agreement, it has been agreed that the employees in service on and after 01.09.1992 shall contribute Rs.50/- from their monthly salary to the said scheme every month, and the respondent shall make a payment of Rs.1000/- towards their contribution, and the above pension benefits shall be paid as monthly pension to the employees retiring on and after 01.09.1992.

4. It was agreed that if the worker who had paid the retirement contribution died within 15 years of retirement, his legal heirs will be paid a monthly pension under the above scheme for 15 years from the date of retirement of the deceased worker. Based on the above agreement, deductions of Rs.50/- per month were made continuously from the salary of the petitioner since 1992. The above monthly

contribution amount was raised from Rs.50/- to Rs. 50/- and were deducted from the monthly salary of the workers. The subscription was stopped from February 2017 without any prior notice. Furthermore, from 2017 onwards, the respondent stopped calculating and paying the pension amount due to the workers under the above scheme. As mentioned in the list below, after the date of retirement the respondent paid the pension due to the petitioner from 2012 to 2016 and did not pay it for a few months in between. Further, the welfare fund has not been calculated and paid for the subsequent period. The petitioner repeatedly requested the respondent to provide his pension amount, but to no avail. In this situation, another 12(3) agreement was signed on 04.01.2018. Accordingly, the post retirement welfare scheme was amended with following conditions.

Retirement Provident Fund Scheme - 1992 (PRBF)

The Tamil Nadu Transport Corporation Employees Retirement Provident Fund Scheme, implemented with the participation of the workers, will be implemented with the following changes.

1. The current deduction of Rs.150/- per month from the employees will be stopped immediately.
2. Retired workers who have received monthly pension for 15 years from 01.09.1992 to 31.08.1998 will be given pension of Rs.1000/- every month for the entire life of the worker.
3. The deducted subscription amount will be paid in lump sum to the employee at time of superannuation.

5. It was agreed that only the amount deducted so far from the workers including the petitioner would be refunded upon retirement. Similarly, it was agreed that under Rule 9(4) of the agreement, if the monetary benefit paid to the workers who retired after 01.09.1998 is more than the amount deducted from them, only that difference would be paid. In the agreement entered in the year 2018 between the respondent management and the trade unions under section 12(3) of Industrial Dispute Act the Post Retirement Welfare Scheme established in the year 1992 would be stopped. The employees are entitled to benefits under the 1992 scheme and were further enhance as per the 2015 agreement. Since the said agreement was implemented from 01.09.2016 the Scheme is applicable for the petitioner and other workers who retired before 31.08.2016 and the same shall apply as per the agreement of the year 1992. The respondent management is liable to pay Rs.1000/- every month under the revised Post Retirement Welfare Scheme as per the 2015 agreement. The same has been confirmed by order of the Hon'ble High Court of Madras in W.A. No.1774/2011 dated 19:07023. On the basis of the Judgment the following calculation has been made.

Invoice

Sl.No.	Year	Amount given	Amount Due
1	2012	MAR 2012-DEC 2012 10 X 750 = 7500	
2	2013	JAN 2013-MAR 2013 3 x 750 = 2250	APR 2013 – DEC 2013 9x750 = 6750
3	2014		JAN 2014 - DEC 2014 12x750 = 9000

4	2015	APR 2015, JUNE 2015 - DEC 2015 8 X 750 = 6000	JAN 2015 TO MAR 2015, MAY 2015 4 x750 = 3000
5	2016	JAN 2016 - APR 2016 4x750 = 3000	MAY 2016 – DEC 2016 8x750 = 6000
6	2017		JAN 2017 - DEC 2017 12x1000 = 12,000
7	2018		JAN 2018 - DEC 2018 12x1000 = 12,000
8	2019		JAN 2019 - DEC 2019 12x1000 = 12,000
9	2020		JAN 2020 - DEC 2020 12x1000 = 12,000
10	2021		JAN 2021 - DEC 2021 12x1000 = 12,000
11	2022		JAN 2022 - DEC 2022 12x1000 = 12,000
12	2023		JAN 2023 - DEC 2023 12x1000 = 12,000
13	2024		JAN 2024 - DEC 2018 12x1000 = 12,000
14	2025		JAN 2025 - MAY 2025 5x1000 = 5,000
Total – Rs.18,750/-			Total – Rs.1,25,750/-

Accordingly, the respondent management is liable to pay a sum of Rs.1,25,750/- with interest at the rate of 12% per annum with costs. Hence this petition/

6. The brief averments of the counter of the respondent :

The Petition is not sustainable either in law and on facts. The petitioner joined duty on 01.02.1982 Conductor under the respondent management and he was

promoted as a supervisor and attained his superannuation on 29.02.2012. The Post Retirement Welfare Scheme -1992, is implemented as per Clause No.9 of the 13th pay commission that the monthly subscription collected at the rate Rs.150/- per month will be stopped immediately, the Retired workers who have received monthly pension for 15 years from 01.09.1992 to 31.08.1998 will be given pension of Rs.1000/- every month for the entire life of the worker and the deducted subscription amount will be paid in lump sum to the employee at time of superannuation. The contribution amount deducted from the petitioner under the Post Retirement Welfare Scheme is Rs.11,700/-. After retirement the petitioner is paid Rs.750/- per month for 26 months and the respondent paid Rs.19,500/- to the petitioner towards Post Retirement Welfare Scheme. There is no due from the respondent to the petitioner under this scheme. A review petition has been filed by the Pension Fund Authority and all Transport Corporations against the order of the Hon'ble High Court of Madras in WA. No.1774/2011. The decision on the payment of the amount can be taken only after the outcome of this appeal. Hence the respondent management seeks dismissal of this petition. Hence this petition is liable to be dismissed.

7. Points for Determination :

Whether the petitioner is entitled for an amount of Rs.1,25,750/- as claimed?

8. During the enquiry, the petitioner Thiru.M.R.Dass is examined as WW-1, and Ex.P1 to Ex.P6 documents are marked. On the side of the respondent, neither oral nor documentary evidence is adduced.

9. Point No.1 :

The petitioner claims an amount of Rs.1,25,750/- with future interest. The petitioner joined the respondent management as a Conductor on 08.11.1978. He was admittedly superannuated on 29.02.2012. The petitioner has claimed a sum of Rs.1,25,750/- at the rate of Rs.1000/- per month under the Post Retirement Welfare Scheme for a period of 15 years, which comes around Rs.1,25,750/-. The respondent would contend that the petitioner was given Rs.1000/- per month under the Post Retirement Welfare Scheme for 26 months till March 2016, totaling Rs.19,500/-. But they have not chosen to produce the documents in support of their contention for the reasons best known to them. The petitioner's claim is for the period from January 2015 to June 2015 and July 2016 to March 2024. Further, in Ex.P6 order passed by the Hon'ble High Court of Madras in WA. No.1774 of 2011 it is held that the employee who became member of the Welfare Scheme of 1992 continue to work beyond 1998 and retired at any point of time before 01.08.2016 would be entitled to get the benefit of 1992 Welfare Scheme for a period of 15 years from the date of retirement. Ex.W6 has attained finality. Admittedly, the petitioner joined the service of the respondent on 08.11.1978 and superannuated on 29.02.2012. The petitioner retired before 01.08.2016. Hence the petitioner is entitled or the benefits. Though

the review petition is stated to be filed, the respondent has produced no records in support of the same. Hence this Court is of the considered view that the respondent is liable to pay Rs.1,25,750/- to the petitioner. The Court also deems fit and proper to grant interest at the rate of 6% per annum from the date of petition to till the date of realization along with costs.

In the result, the computation petition stands allowed as follows :

1. The petitioner is entitled to a sum of Rs.1,25,750/- towards the Post Retirement Provident Fund Scheme.
2. The petitioner is entitled to payment of interest at 6% per annum from the date of petition to till the date of realization.
3. The respondent shall pay the cost of litigation to the petitioner.

(Dictated to the Steno-Typist, and computerised by her, corrected and pronounced by me on this, the 10th day of March, 2026).

PRESIDING OFFICER,
PRINCIPAL LABOUR COURT,
COIMBATORE.

LIST OF WITNESSES EXAMINED

Petitioner Side : PW-1 - Mr.M.R.Dass.
Respondent Side : - Nil -

LIST OF EXHIBITS MARKED

Petitioner Side :

Exhibits	Date	Particulars	Remarks
Ex.P1	25.02.2012	Retirement order issued by the respondent.	Xerox
Ex.P2	Feb 2012	Salary slip of the petitioner for the month of Feb 2012.	Xerox
Ex.P3	Sep 1992	Agreement between the union and management.	Xerox
Ex.P4	22.01.2011	12(3) settlement.	Xerox
Ex.P5	04.01.2018	Agreement between the union and management.	Xerox
Ex.P6	19.07.2023	Hon'ble Madras High Court Judgment Appeal No. W.A.1774/2011 and M.P. No.1/2013.	Xerox

Respondent Side : - Nil -

PRESIDING OFFICER,
PRINCIPAL LABOUR COURT,
COIMBATORE.

Copy of Fair/Draft Order in
CP NO.81/2025,
Date : 10.03.2026,
PLC, CBE.