



W.P(MD)No.10474 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.07.2026

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P(MD)No.10474 of 2023

V.Surendra Kumar

... Petitioner

Vs

The General Manager,
TNSTC (KUM) Limited,
Thirumayam Road,
Pudukottai Region,
Pudukottai.

... Respondent

PRAYER: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order passed by the Labour Court, Trichy in C.P.No.01 of 2017 dated 22.06.2022, quash the same and consequently direct the respondent to pay the petitioner over time wages of Rs.2,41,236.30/- with 12% interest payable from the date of filing computation petition in C.P.No. 01 of 2017 to till the date of disbursement.



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For Petitioner : Mr.C.K.Chandrasekar
for Mr.A.Rahul

For Respondent : Mr.K.Ramaiah

ORDER

This Writ Petition has been filed challenging the impugned order dated 22.06.2022 passed by the Labour Court, Tiruchirappalli, in C.P. No.01 of 2017 and consequently to direct the respondent to pay the petitioner overtime wages of Rs.2,41,236.30/- together with interest at the rate of 12% per annum from the date of filing of C.P.No.01 of 2017 till the date of disbursement.

2.Learned counsel appearing for the petitioner submitted that the petitioner is employed as a Conductor under the respondent Transport Corporation. The petitioner filed C.P.No.01 of 2017 before the Labour Court, Tiruchirappalli, claiming overtime wages in terms of the settlement entered into under Section 12(3) of the Industrial Disputes Act, 1947. The Labour Court, however, dismissed the computation petition on the ground



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that the settlement under Section 12(3) is not a statute and that the petitioner had no pre-existing right capable of being enforced in a computation petition.

3.Learned counsel for the petitioner further submitted that the Labour Court failed to consider the scope and applicability of Section 26 of the Motor Transport Workers Act, 1961, which provides for payment of extra wages for overtime work. It is fairly submitted that the said statutory provision was also not specifically canvassed before the Labour Court. Since the petitioner's claim requires consideration in the light of the statutory right conferred under Section 26 of the Motor Transport Workers Act, 1961, this Court is of the view that the matter requires fresh consideration by the Labour Court.

4.In view of the above, the impugned order dated 22.06.2022 passed by the Labour Court, Tiruchirappalli, in C.P.No.01 of 2017 is set aside and the matter is remanded to the Labour Court, Tiruchirappalli, for



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fresh consideration. The Labour Court shall consider the petitioner's claim independently on its own merits, including the applicability of Section 26 of the Motor Transport Workers Act, 1961, and the settlement under Section 12(3) of the Industrial Disputes Act, 1947, after affording sufficient opportunity to both parties to let in oral and documentary evidence, if any, and pass appropriate orders in accordance with law.

5. Accordingly, this Writ Petition is allowed. The Labour Court, Tiruchirappalli, is directed to dispose of C.P.No.01 of 2017, afresh, as expeditiously as possible and, in any event, within a period of six (6) months from the date of receipt of a copy of this order. There shall be no order as to costs.

13.07.2026

NCC : Yes / No
Index : Yes / No
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To

The General Manager,
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M.DHANDAPANI, J.

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