

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.04.2016

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.NOS.34084 AND 34085 OF 2013
AND CONNECTED MISCELLANEOUS PETITIONS

The Management of

Tamil Nadu State Transport Corporation Ltd.,
Villupuram - 605 602.

Rep. By Managing Director

.. Petitioner in both
WPs '

Versus

1.The Presiding Officer
The Labour Court
Cuddalore.

.. 1st Respondent in
both WPs '

2.A.Murugan

.. 2nd Respondent in
W.P.No.34084/2013

3.G.Sekar

.. 2nd Respondent in
W.P.No.34085/2013

PRAYER: Writ petitions filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Certiorarified Mandamus, to call for the records of the Garnishee order passed by the 1st respondent Labour Court in E.P.No.9 and 8 of 2012 respectively, dated 08.11.2013 and C.P.Nos.45 and 44 of 2012 respectively, dated 10.06.2013 and quash the same and consequently direct the 1st respondent to rehear the Computation Petitions in C.P.Nos.45 and 44 of 2012 respectively.

For Petitioner : Mr.P.Paramasiva Doss
For Respondent-2 : Mr.T.Dhanyakumar
(in both WPs')

COMMON ORDER

Heard Mr.P.Paramasiva Doss, learned counsel for the petitioner and Mr.T.Dhanyakumar, learned for the second respondent.

2. In these writ petitions, though the challenge is to an exparte order passed by the first respondent Labour Court, in the Computation Petitions and the consequential Execution Petitions. Under normal circumstances, this Court could have remanded the matter for fresh consideration, if it is satisfied that the Labour Court was not justified in passing the exparte order.

3. However, in the instant case, even if this Court is satisfied that the Labour Court was not correct in passing the exparte order, no useful purpose would be served in remitting the matter to the Labour Court, in the light of the order passed by this Court in W.P.No.30697 of 2014. The said writ petition was filed challenging the order dated 13.03.2014 passed by the first respondent herein, by the respondent workman, for computing the wages, which was payable to him, pursuant to the award passed in 2001. The Labour Court computed the wages and as against the said order, the Management preferred a writ petition in W.P.No.30697 of 2014, which was dismissed by this Court vide order dated 29.01.2016. The present impugned orders are passed by the Labour Court for the subsequent period.

4. Therefore, the reasoning assigned by the Labour Court, while computing the wages in C.P.No.17 of 2013 will definitely hold good for these cases also for the subsequent period and the said order dated 13.03.2014 in C.P.No.17 of 2013 having been upheld by this Court, there is no ground made out to interfere in these cases.

5. Accordingly, both the writ petitions are dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

6. After the order was passed, the learned counsel for the petitioner Management submitted that time may be granted to deposit the amount. Considering the said submission made on behalf of the Management, eight weeks time is granted to deposit the amount computed by the Labour Court.

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Sd/-
Assistant Registrar(VI)

//True Copy//

Sub Assistant Registrar

TK

To

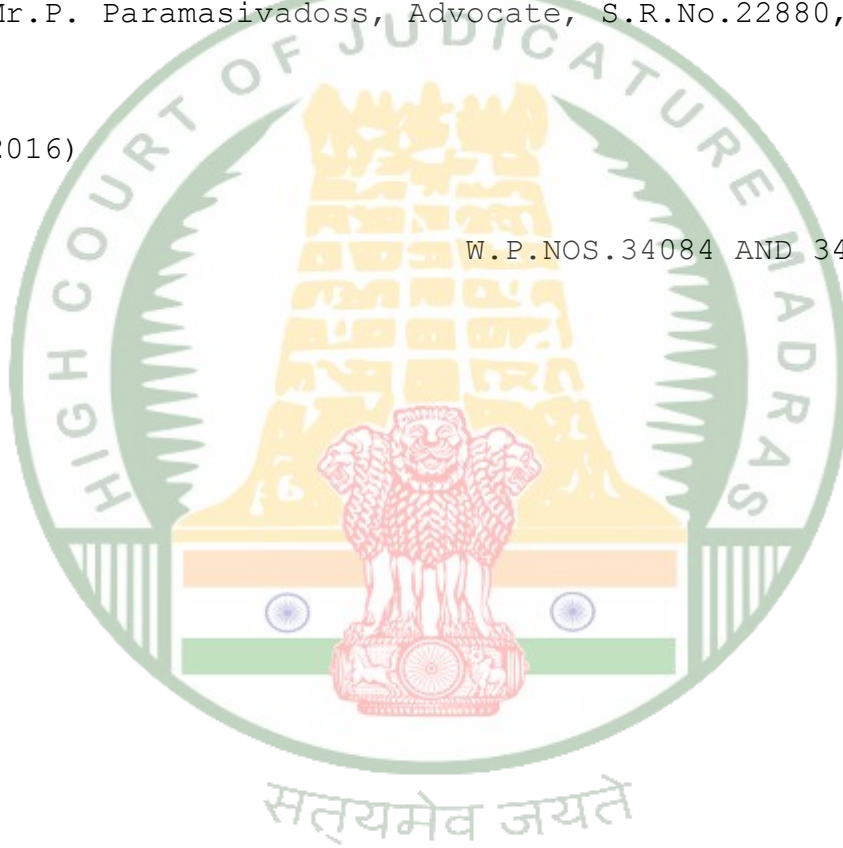
The Presiding Officer
The Labour Court
Cuddalore.

+2ccs to Mr.T. Dhanyakumar, Advocate, S.R.No.22671

+2ccs to Mr.P. Paramasivados, Advocate, S.R.No.22880, 22881

SVI (CO)
EU 02/05/2016)

W.P.NOS.34084 AND 34085 OF 2013



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