

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.01.2017

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THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.107 of 2017

P.Jayaraman

.. Petitioner

-vs-

1. The Management of
Chennai Metropolitan Water Supply
and Sewerage Board
No.1, Pumping Station Road
Chintadripet
Chennai 600 002

2. The Presiding Officer
I Additional Labour Court
Chennai

.. Respondents

Petition under Article 226 of the Constitution of India,
praying for the issue of a Writ of Certiorarified Mandamus,
calling for the records pertaining to the file of the
C.P.No.1037 of 2010 dated 26.10.2016 on the file of the I
Additional Labour Court, Chennai and quash the same as illegal
and directing the first respondent to give VI Pay Commission
arrears to the petitioner with interest and cost.

For Petitioner :: Mr.P.Jayaraman
Party-in-Person

सत्यमेव जयते
ORDER

This writ petition has been filed by Mr.P.Jayaraman challenging the order passed by the First Additional Labour Court, Chennai in C.P.No.1037 of 2010 dated 26.10.2016, on the ground that when the Management of Chennai Metropolitan Water Supply and Sewerage Board is required to pay the arrears pursuant to the implementation of the VI Pay Commission, in spite of repeated representations, the request of the petitioner was declined. In fact, when the petitioner was dismissed from service on 2.2.98, he raised an industrial dispute in I.D.No.31 of 1999 before the Labour Court and finally an award was passed on 28.1.2003 setting aside the dismissal order with a direction to the first respondent Management to pay 50% of the back wages

and other benefits. When the said award was unsuccessfully challenged before this Court, the first respondent reinstated the petitioner and he also joined on 27.2.2009. Thereupon he was also paid with a sum of Rs.2,76,000/- towards 50% of the back wages upto 28.2.98. The grievance of the petitioner is that the first respondent ought to have fixed his basic pay at Rs.11,800/- as on 1.1.2006 based on the VI Pay Commission and consequently paid the arrears of wages. Therefore he made a representation to the first respondent requesting to pay the arrears of wages of Rs.1,06,560/- for the period from 1.7.2007 to 31.5.2009 and in addition thereto, the first respondent was liable to pay Rs.1,30,424/- for the period from June, 2009 to August, 2010. When the said representation was not considered, he has filed the computation petition before the second respondent-Labour Court.

2. The first respondent has also filed a counter statement stating that after the petitioner was reinstated in service, the salary was credited to the bank account of the petitioner. Since the back wages payable to the petitioner were Rs.5,31,285/- only, the first respondent had wrongly paid a sum of Rs.2,70,550/- to the petitioner in excess of his entitlement. Therefore the allegation made by the petitioner that the first respondent failed to pay the wages calculated on the basis of the Government Order pursuant to the implementation of the VI Pay Commission is false.

3. In view of the claim and counter claim made by the parties, the second respondent Labour Court has gone into the disputed question of fact and finally, taking note of the Ex.R2 dated 20.12.2010 filed by the first respondent Management, it has come to the conclusion that the first respondent has explained how the excess payment was made to the petitioner and that the calculation found in three tables has clearly indicated that the first respondent Management had paid a sum of Rs.2,70,550/- in excess of what was actually payable to the petitioner. It has also found that the first respondent has also stated that some statutory deductions like GPF, FBF, SMWF, PT have to be made and a sum of Rs.3,50,835/- was to be recovered from the petitioner. Therefore, a sum of Rs.69,900/- payable to the petitioner was withheld and the remaining amount of Rs.2,80,935/- was to be recovered from the petitioner. However, it has been clarified that this amount would be adjusted towards the arrears payable pursuant to the implementation of the VI Pay Commission. The petitioner has also signed these proceedings and in the cross examination before the Labour Court, the petitioner has not even disputed the genuineness of Ex.R2. Therefore the second respondent Labour Court clearly held that when the petitioner was aware of the reason why and how the arrears of salary payable to him pursuant

to the implementation of the VI Pay Commission was adjusted towards the excess payment that had already been paid to him, there is no pre-existing right on the part of the petitioner to make the claim and accordingly dismissed the computation petition.

4. This Court is also not able to find any infirmity with the impugned order. The petitioner, who is appearing in person, has come to this Court even without holding a single paper to explain what is his legal right and has also miserably failed to explain how he has got a pre-existing right. Therefore, this Court is not inclined to entertain the writ petition. Accordingly, finding no infirmity with the impugned order, the writ petition stands dismissed.

sd/
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1. The Presiding Officer
I Additional Labour Court
Chennai.

2.The Management of Chennai Metropolitan
water supply & sewerage Board,
No.I, Pumping station Road,
Chintadripet, chennai-2.

+1cc to Mr.P.Jayaraman Party in person vide SR.NO.1223

SKV (CO)
GN (27/01/2017)

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