

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 1.8.2017

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

W.A.No.793 of 2017,
C.M.P.No.10886 of 2017
and
Contempt Petition No.1591 of 2016

W.A.No.793 of 2017

The Management,
Tamil Nadu State Transport
Corporation (Salem) Ltd.,
No.12, Ramakrishna Road,
Salem 636 007.
rep. by its General Manager

Appellant

Versus

1. The Presiding Officer,
Labour Court, Salem.

2. G.Munusamy

Respondents

Cont.Petn. No.1591 of 2016

G.Munusamy

Petitioner

vs.

S.Mayakrishnan
Managing Director,
Tamil Nadu State Transport
Corporation Salem Division,
No.12, Ramakrishna Road,
Salem 636 007.

Respondent

Prayer: Writ Appeal filed filed under Clause 15 of the Letters Patent against the order dated 20.11.2015 passed in W.P.No.25803 of 2010 on the file of this court filed under Article 226 the constitution of India for a writ of certiorari to call for the records concerning with I.D. No.131/2000, dated 8.10.2009 on the file of the 1st respondent and to quash the same.

Contempt Petition filed under Section 11 of the Contempt of Courts Act, 1971 arising out of order dated 20.11.2015 in W.P.No.25803 of 2010, passed by this court.

For appellant/Contemnor : Mr.P.Paramasiva Doss

For R2/Petitioner : Mr.V.Bhiman

COMMON JUDGMENT

(Judgment of the court was made by HULUVADI G.RAMESH, J.)

Heard the learned counsel appearing for the appellant and the learned counsel appearing for the second respondent.

2. It appears that in connection with re-issuance of old tickets by collecting the cost of tickets from six passengers at the rate of one rupee each, enquiry was held and the petitioner, who was working as Conductor in the appellant-Transport Corporation was dismissed from service on 2.2.1986, against which the respondent-workman approached the Labour Court after twenty years and the Labour Court ordered reinstatement with full backwages on the ground that charges were not proved.

3. Contending that the Labour Court has not properly appraised of the fact that the Industrial Dispute was raised after twenty years of unexplained delay, the Transport Corporation preferred the writ petition.

4. Appreciating such contention, the learned Single Judge has allowed the writ petition in part and modified the award passed by the Tribunal, by restricting the backwages payable to the workman from the date of his approaching the Labour Court. Challenging the same, the present writ appeal is filed.

5. Though the amount involved is only a meagre sum of Rs.6/-, the value of such amount at the relevant point of time cannot be equated with the present one. Be that as it may, the re-issuance of old tickets alleged against the workman is nothing but a misconduct and for want of some evidence that could not have been produced by the Management, the workman was given the benefit of doubt. But, the casual way in which the workman had approached the Labour Court, after twenty years of termination of his services, cannot be simply ignored. At this juncture, it is brought to our notice that though the learned Single Judge ordered for reinstatement with backwages from the date of filing of the Industrial Dispute viz., in 2006, in view of the challenge made as against such order and the pendency of the present appeal, the workman was not be reinstated and as of now, the workman has attained the age of superannuation. It also appears that the workman had put in five years of service as on the date of termination/dismissal. In the circumstances, if we direct the appellant to pay the workman a lumpsum of Rs.3,00,000/- in lieu of payment of backwages from the date of

order of the learned single Judge. Such amount shall be deposited within three months from the date of receipt of a copy of this judgment.

6. The writ appeal is allowed in part. In view of the decision rendered in the writ appeal, the contempt petition is closed. No costs. The connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

ssk.
To:

1. The Presiding Officer,
Labour Court, Salem.
2. The General Manager,
Management Tamil Nadu State Transport
Corporation (Salem) Ltd.,
No.12, Ramakrishna Road,
Salem 636 007.

+ 1 cc to Mr. V. Bhiman, Advocate SR.55060

W.A.No.793 of 2017

EV(CO)
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