

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Special Original Jurisdiction)

Thursday, the Twenty Ninth day of June Two Thousand Seventeen

PRESENT

THE HON`BLE MR JUSTICE M.M.SUNDRESH

WMP No.396 TO 398 of 2017 IN WP.363 TO 365 OF 2017

AND WMP.8606 TO 8608 OF 2017 IN WP.364 OF 2017

1 THE GENERAL MANAGER, [PETITIONER IN WMP No.396 TO 398 of 2017]
TAMIL NADU STATE TRANSPORT [1ST RESPONDENT IN WMP.8606 TO 8608/17]
CORPORATION (VILLUPURAM) LTD,
VAZHUTHAREDDY, SALAMEDU,
VILLUPURAM REGION, VILLUPURAM- 605 602

Vs

1 M.KATHAMUTHU, DRIVER DR1395 [1ST RESPONDENT IN WMP No.396/17]

2 S. SEKAR, DRIVER DR2528 [1ST RESPONDENT IN WMP No.397/17]
[PETITIONER IN WMP.8606 TO 8608/17]

D.RAVICHANDRAN, DRIVER DR4692 [1ST RESPONDENT IN WMP No.398/17]

2 THE SPECIAL DEPUTY [2ND RESPONDENT IN ALL THE PETITIONS]
COMMISSIONER OF LABOUR, D.M.S.COMPOUND,
CHENNAI

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to

(1)To pass an order of Interim stay of all further proceeding pursuant to the order of the 2nd Respondent in A.P. No.255/ 2012 dated 30.09.2015, (IN WMP No.396 of 2017)

(2)To pass an order of Interim stay of all further proceeding pursuant to the order of the 2nd Respondent in A.P. No.257/ 2012 dated 12.10.2015, (IN WMP No.397 of 2017)

(3)To pass an order of Interim stay of all further proceeding pursuant to the order of the 2nd Respondent in A.P. No.256/ 2012 dated 11.01.2016, (IN WMP No.398 of 2017)

(4) To Direct the Management (Petitioner) to deposit the amount of Rs.8,58,510/- which is the amount due to the Petitioner in C.P. No.25 of 2016 (IN WMP No.8606 of 2017)

(5) To Direct the Management /Petitioner to comply with the Provision of Section 17-B of Industrial Dispute Act to pay the last drawn salary from the date of Writ Petition periodically (IN WMP No.8607 of 2017)

(6) To permit the Petitioner herein to receive 50% of the amount deposited in C.P. No.25 of 2016 pending on the file of the Labour Court. (IN WMP No.8608 of 2017) pending disposal of above WP.363 TO 365 OF 2017 respectively.

Order : These petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S.P.PARAMASIVA DOSS, Advocate for the petitioner IN WMP No.396 TO 398 of 2017 & 1ST RESPONDENT IN WMP.8606 TO 8608/17 and of MR.R.MURALIDHARAN, on behalf of the 1ST RESPONDENT IN WMP No.397/17 & PETITIONER IN WMP.8606 TO 8608/17 the court made the following order:-

It is represented by the learned counsel appearing for the first respondent/workman in W.P.No.364 of 2017 that he is not appearing for the first respondent/workman in W.P.No.363 of 2017. In such view of the matter, there shall be an order of interim stay as prayed for and W.M.P.No.396 of 2017 stands allowed. The first respondent/workman is at liberty to file appropriate application in future seeking to modify or vary it including seeking any amount pursuant to the order passed by the second respondent.

2. Insofar as W.P.No.365 of 2017 is concerned, despite service of notice, none appears on behalf of the first respondent/workman. In such view of the matter, there shall be an order of interim stay as prayed for and W.M.P.No.398 of 2017 stands allowed.

3. The writ petition in W.P.No.364 of 2017 has been filed, challenging the rejection of approval petition. Seeking interim stay of the above said order, W.M.P.No.397 of 2017 has been filed. Seeking appropriate directions, W.M.P.Nos.8606 to 8608 of 2017 have been filed. Seeking a direction to the writ petitioner management to deposit a sum of Rs.8,58,510/-, W.M.P.No.8606 of 2017 has been filed. Seeking a direction to the writ petitioner management to comply with the provisions of Section 17B of the Industrial Disputes Act, 1947, W.M.P.No.8607 of 2017 has been filed. Seeking receipt of 50% of the amount to be deposited, the first respondent/workman has filed W.M.P.No.8608 of 2017.

4. Admittedly, as on today, the order rejecting approval petition

stands. Therefore, in effect, the order of termination has not been approved. However, in view of the order of termination, the first respondent/workman in W.P.No.364 of 2017 is not in employment nor able to enjoy the benefits of the order declining approval. Hence, there shall be an order of interim stay.

5.The first respondent/workman in W.P.No.364 of 2017 is entitled for payment pending disposal of the writ petition by way of last drawn salary. In such view of the matter, the following order is passed in W.M.P.Nos.8606 to 8608 of 2017 in W.P.No.364 of 2017:

(i)The writ petitioner is directed to pay a sum of Rs.3,00,000/- (Rupees Three Lakhs only) by way of backwages, though a sum of Rs.8,58,510/- is claimed towards deposit in favour of the first respondent/workman viz., the petitioner in W.M.P.No.8606 of 2017, within a period of eight weeks from the date of receipt of a copy of this order.

(ii)The writ petitioner is directed to pay the last drawn wages on or before 15th of every month starting from the month of July 2017, pending disposal of the writ petition.

(iii)On such compliance, interim stay granted is made absolute and W.M.P.No.397 of 2017 stands allowed. Consequently, the petitions filed in W.M.P.Nos.8606 to 8608 of 2017 stand disposed of.

Post the writ petitions in W.P.Nos.363 to 365 of 2017 for final hearing on 07.11.2017.

-sd/-

29/06/2017

/ TRUE COPY /

Sub Assistant Registrar (Statistics / C.S.)
High Court, Madras - 600 104.

TO

1 THE SPECIAL DEPUTY
COMMISSIONER OF LABOUR, D.M.S.COMPOUND,
CHENNAI

2 THE GENERAL MANAGER,
TAMIL NADU STATE TRANSPORT CORPORATION
(VILLUPURAM) LTD.,
VAZHUTHAREDDY, SALAMEDU
VILLUPURAM REGION, VILLUPURAM 625 602

C.C. to M/S.P.PARAMASIVA DOSS Advocate on payment of necessary charges

C.C. to M/S.R.MURALIDHARAN, Advocate Advocate on payment of necessary charges

Order

in

WMP No.396 TO 398 of 2017 IN WP.363 TO 365 OF 2017
AND WMP.8606 TO 8608 OF 2017 IN WP.364 OF 2017

Date :29/06/2017

From 26.2.2001 the Registry is issuing certified
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T.R (13/07/2017)