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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT  
DATED: 26.04.2017  
CORAM:

**THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM**  
**AND**  
**THE HONOURABLE MR.JUSTICE P.VELMURUGAN**

W.A.(MD)No.1654 of 2016  
and  
C.M.P.(MD).No.12561 of 2016

V.Boopathy

... Appellant

Vs.

1.The Management  
Tamilnadu State Transport  
Corporation (Madurai) Limited  
By-Pass Road  
Madurai - 625 016.

2.The Labour Court,  
Madurai.

... Respondents

PRAYER: Writ Appeal is filed under Clause 15 of Letters Patent against the order dated 20.10.2014 passed by this Court in W.P.(MD).No.17091 of 2014.

Prayer in WP(MD). 17091/ 2014 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a writ of Mandamus directing the 1st respondent to implement the award dated 30.4.2012 passed by the 2nd respondent within a time frame and pass such further or other orders.

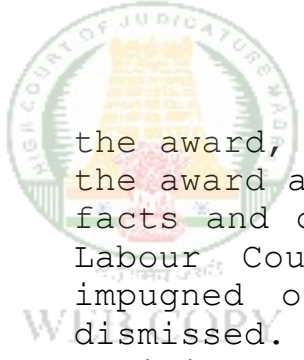
For Appellant : Mr.A.Thirumurthy  
For R1 : Mr.A.Jeyaraman  
For R2 : Labour Court

### **J U D G M E N T**

[Judgment of the Court was delivered by **T.S.SIVAGNANAM, J.**]

This writ appeal is directed against the order dated 20.10.2014, passed by this Court in W.P.(MD).No.17091 of 2014.

2. The writ petitioner is the appellant herein and he filed the writ petition praying for a direction to the first respondent/Transport Corporation to implement the award of the Labour Court, Madurai in I.D.No.9 of 2010, dated 30.04.2012. The award of the Labour Court was to reinstate the appellant in service without backwages. The appellant did not challenge that portion of



the award, which denied backwages. The Management did not challenge the award at all. The learned Single Judge, after going through the facts and circumstances of the case, opined that the award of the Labour Court is proper. However, then in paragraph-6 of the impugned order, it has been stated that the writ petition is dismissed. This appears to be an inadvertent mistake as the writ petition could have been disposed of by directing the respondent Management to implement the award within a time frame. Therefore, the portion of the order which denied backwages, impugned has to be necessarily corrected and accordingly, the appeal is allowed to the extent that in paragraph-6 of the impugned order, which shall be read as "writ petition is disposed of by directing the respondent Management to implement the award".

3. It is submitted by the learned counsel for the respondent that after the writ petition was disposed of, the Management had sent a letter dated 15.07.2013, calling upon the appellant to report for duty. This letter appears to have been sent by registered post and it is the case of the Management that the appellant did not report for duty.

4. Be that as it may, as on date, the appellant has attained the age of superannuation. The award of reinstating passed by the Labour Court has become final. Therefore, the respondent Management are bound to comply with the award by notionally reinstating the appellant in service and compute whatever benefits which are payable to him, except backwages which was denied by the Labour Court. However, since the Labour Court has directed the appellant to be reinstated with continuity of service, the entire period of service shall be reckoned for all other purpose, except for backwages to the extent ie., 31.05.2005 to 28.04.2010 which was restricted by the Labour Court.

5. The above said direction shall be completed within a period of eight weeks from the date of receipt of a copy of this order.

6. This Writ Appeal is disposed of accordingly. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (AD-II)

/TRUE COPY/

Sub Assistant Registrar

To

<https://hcservices.ecourts.gov.in/hcservices/>

1. The Management

Tamilnadu State Transport Corporation (Madurai) Limited

By-Pass Road

Madurai - 625 016.



2.The Labour Court,  
Madurai.

+1 cc to M/R.A.THIRUMURTHY ,Advocate, SR.NO:54283

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