

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 27.4.2018

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.A.No.962 of 2018
and
C.M.P.No.8169 of 2018

The Management,
Metropolitan Transport Corporation
Chennai Ltd.,
Pallavan Illam, Anna Salai,
Chennai 600 002. Appellant

Versus

1. N.P.Balasubramanian
2. The Presiding Officer,
I Additional Labour Court,
City Civil Court Annexure Buildings,
High Court Compound, Chennai 600 104. Respondents

Prayer: Writ Appeal filed filed under Clause 15 of the Letters Patent against the order dated 7.6.2017 passed in W.M.P.No.9574 of 2017 in W.P.No.35628 of 2016 on the file of this court.

Prayer in WMP.No.9574 of 2017: To vacate the stay granted in WMP.No.30621 of 2016 in WP.No.35628 of 2016.

Prayer in WMP.No.30621 of 2016: To stay the operation of the order passed in C.P.No.187 of 2014 dated 03.03.2016 on the file of the 2nd Respondent pending disposal of WP.No.35628 of 2016.

Prayer in WP.No.35628 of 2016:Writ Petition under Art 226 of Constitution of India seeking a Writ of Certiorari calling for the records pertaining to the order passed in ID.No.274 of 2013 dated 10.05.2016 on the file of the first respondent and quash the same.

For appellant	: Mr.M.Chidambaram
For R1	: Mr.S.T.Varadarajulu

JUDGMENT

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

Heard the learned counsel appearing for the appellant and Mr.S.T.Varadarajulu, learned counsel, who takes notice on behalf of the first respondent.

2. The writ appeal has been filed by the Transport Corporation challenging the interim order passed by the learned Single Judge thereby imposing a condition to the appellant to pay a sum of Rs.3,00,000/- towards backwages as against the award of Rs.11,00,000 and odd towards backwages and other allowances, while passing the order of interim stay.

3. It is a case of unauthorised absence of the employee-first respondent herein. It is not in dispute that the order of dismissal has been passed by the Transport Corporation without getting necessary approval and the Labour Court has awarded a sum of Rs.11,00,000/- and odd. Therefore, to protect the interest of the employee, the learned Single Judge thought it fit impose a condition upon the Transport Corporation to pay a sum of Rs.3,00,000/- out of the award amount. However, in the facts and circumstances of the case, we feel that the order passed by the learned Single Judge needs to be modified to some extent and accordingly, the appellant-Transport Corporation is directed to deposit before the Labour Court, a sum of Rs.1,00,000/-, within a period of four weeks from the date of receipt of a copy of this judgment and another sum of Rs.1,00,000/- within another four weeks from thereafter. The writ petition be posted for final disposal. The learned Single Judge is requested to take up the matter for final disposal at the earliest.

The writ appeal is disposed of accordingly. No costs. The connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

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To:

1. The Presiding Officer,
I Additional Labour Court,
City Civil Court Annexure Buildings,
High Court Compound, Chennai 600 104.

2. The Section Officer
Writ Section
High Court Madras (Writ Posting)

+1 cc to Mr.M.Chidambaram Advocate sr 31501
+1 cc to Mr.S.T.Varadaraj Advocate sr 31923

W.A.No.962 of 2018

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