

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.11.2018

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

AND

THE HONOURABLE MR.JUSTICE P.RAJAMANICKAM

W.A.Nos.1325, 1326 and 1441 of 2017

W.A.Nos.1325 and 1326 of 2017

The Management of
Metropolitan Transport Corporation,
Represented by its Managing Director,
Pallavan Salai,
Chennai-600 002. ... Appellant in both W.As.

Vs.

1.K.Alfred
2.The Presiding Officer,
I Additional Labour Court,
Chennai. ... Respondents in both W.As.

W.A.No.1441 of 2017

K.Alfred ... Appellant/Party-in-person

Vs.

1.The Management of
Metropolitan Transport Corporation (M.T.C.)
Represented by its Managing Director,
Pallavan Salai, Anna Salai,
Chennai-600 002. ... 1st Respondent/1st Respondent

2.The Presiding Officer,
I Additional Labour Court,
Chennai-600 104. ... 2nd Respondent/2nd Respondent

Prayer in W.A.Nos.1325 and 1326 of 2017: Writ Appeals filed
under Clause 15 of the Letters Patent against the order dated

24.07.2017 made in W.P.Nos.31205 of 2015 and 18301 of 2015 respectively.

Prayer in W.A.No.1441 of 2017: Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 24.07.2017 made in W.P.No.18301 of 2015.

Prayer in WP No.31205 of 2015:

Petition under Article 226 of the Constitution of India, praying for issue of a Writ of Certiorari to call for the records of the 2nd respondent in I.D.No. 289/2011 dated 11.09.2013 and quash the award passed in I.D.NO.289 of 2011 dated 11.09.2013 as illegal.

Prayer in WP No.18301 of 2015:

Petition under Article 226 of the Constitution of India, praying for issue of a Writ of Certiorari to call for the records from the 2nd respondent connected with the award of the First Additional Labour Court, Chennai in I.D.No. 289/2011 dated 11.09.2013 in so far as it has denied back wages with continuity of service, reinstatement and retirement benefits and to quash the same.

For Appellant : M/s.Rajini Ramadoss
in W.A.Nos.1325 and 1326 of 2017

Mr.K.Alfred - Party-in-person
in W.A.No.1441 of 2017

For Respondents : Mr.K.Alfred - Party-in-Person / R1
in W.A.Nos.1325 and 1326 of 2017

M/s.Rajini Ramadoss
for R1 in W.A.No.1441 of 2017

R2- Labour Court in all W.As.

COMMON JUDGMENT

(Judgement of the Court was made by M.SATHYANARAYANAN, J.)

The issue involved and to be adjudicated in these Writ Appeals is one and the same and therefore, all these Writ Appeals are disposed of by this common judgement. For the sake of convenience, the array of parties referred to in W.P.Nos.18058 and 18301 of 2015 is adopted.

2. The first respondent in W.P.Nos.18058 and 18301 of 2015 viz., The Management of the Metropolitan Transport Corporation, represented by it's Managing Director, Pallavan Salai, Chennai-2 is the appellant in W.A.Nos.1325 and 1326 of 2017 and the petitioner in W.P.Nos.18058 and 18301 of 2015 is the appellant in W.A.No.1441 of 2017.

3. The writ petitioner, namely K.Alfred was employed as a Driver in the services of the respondent Transport Corporation and he was placed under suspension with effect from 31.07.1992 until further orders under Section 26(2)(a) of the Certified Standing Orders [CSR], since grave charges are contemplated against him. The said order of suspension was revoked on 21.09.1992 and he was posted to Ayanavaram Bus Depot from Vadapalani Bus Depot. The Management, vide order dated 03.12.1993, found that from 23.09.1992 onwards, the writ petitioner had absented himself for 18 days without leave or prior information, and since he has failed to offer explanation within 3 days, he deemed to have left the service in terms of Clause 11(c) of the CSR and in the light of the above said conduct, the petitioner was removed from service, vide above said proceedings.

4. The petitioner, prior to the said happening, on 31.03.1986 was directed by the Time Keeper to run 12G bus for the regular trip instead of Women's Special and the petitioner wanted to confirm the same with the Assistant Branch Manager and therefore, he took the bus to the depot where he was directed to run the bus only as exclusive Women's Special and on account of the same, he was charged for insubordination, namely non-compliance of the directions issued by the Time Keeper. A domestic enquiry was conducted and charges were framed and held proved and consequently, the petitioner was dismissed from service on 05.09.1986. The petitioner, raised an industrial dispute in I.A.No.865 of 1992 and the Labour Court, vide award dated 10.12.1991, found that the charges were held to be not proved and even assuming that the charges are held to be proved, the punishment awarded is disproportionate to the charges levelled and therefore, held that the order of dismissal is not correct and ordered reinstatement of the petitioner without backwages.

5. The petitioner, aggrieved by the portion of the award denying backwages, filed W.P.No.10367 of 1992 and a learned Single Judge of this Court, vide order dated 23.12.1998, has partly allowed the said writ petition by setting aside the award of the Labour Court and directed the management to pay 75% of the backwages within 12 weeks from the date of receipt of a copy of the order.

6. The Management made a challenge to the said order by filing W.A.No.1022 of 2001 and it was dismissed, vide judgement dated 22.03.2006 and it is brought to the knowledge of this Court that the order of the learned Single Judge, as confirmed by the Division Bench, has been complied with.

7. The petitioner, thereafter, raised an Industrial Dispute in I.D.No.289 of 2011 before the Labour Court, Chennai, contending among other things that as regards the order of removal on account of non-compliance of the Certified Standing Orders, the same has been done without holding any enquiry and therefore, it amounts to retrenchment and the same is bad in Law, more particularly under Section 25 of the Industrial Disputes Act, 1947. It was further contended that he has also sent a letter dated 28.07.1997 to the Managing Director, Metropolitan Transport Corporation requesting to set aside the order of removal and to reinstate him backwages and since the order of removal came to be passed without any justification, prayed for reinstatement with full backwages with continuity of service and other attendant benefits.

8. The Management had filed a counter statement in I.D.No.289 of 2011, denying the averments and took a stand that the petitioner did not report to duty for more than 8 days without prior permission/information and based upon his conduct, a show cause notice was issued on 11.06.1993 and the petitioner has also submitted his explanation dated 24.06.1993 and his explanation appears to be not satisfactory and that apart, his behaviour was also not good and therefore, he was removed from service. The Management also took a stand that though he came to be removed from service on 03.12.1993 and nearly after a period of 18 years, he raised the Industrial Dispute in I.D.No.289 of 2011, without giving any valid explanation / reason for such delay and also stated that the writ petitioner is now gainfully employed somewhere and with ulterior motive, has raised the industrial dispute and therefore, prayed for dismissal of the claim petition.

9. During the course of enquiry, the writ petitioner examined himself as WW1 and on behalf of the Management, one official was examined as MW1. Exs.W1 to W24 were marked on behalf of the workman / writ petitioner and Exs.M1 to M8 were marked on behalf of the Management.

10. The Labour Court, Chennai, after taking note of the factual aspects, recorded a finding in paragraph 15 of the Award that ".....It seems to be that the respondent management in order to take vengeance against the petitioner since he challenged the earlier order of removal from service and got an award against the respondent management, he was removed from

service for his alleged unauthorised absence for duty. Considering the fact that the date of birth of the petitioner is 26.05.1957 and also the fact that he raised I.D. only after a period of 18 years and also considering the service of the petitioner and the salary of the petitioner, this Court is of the considered opinion that the respondent Management is directed to pay a compensation of Rs.2,00,000/- to the petitioner in lieu of reinstatement in service and that would sub-serve justice to the parties...."

11. The said Award of the Labour Court dated 11.09.2013 has been put to challenge by the Management by filing W.P.No.31205 of 2015. The writ petitioner filed W.P.No.18058 of 2015 praying for a Writ of Mandamus directing the respondent to consider his representation dated 15.05.2015 to survive and for his children education within 10 days from the date of order and also filed W.P.No.18301 of 2015, challenging the above said award of the Labour Court fixing the compensation of Rs.2,00,000/-.

12. Since the issue involved in all the writ petitions are connected, they were taken up together for final disposal and disposed of, vide common order dated 24.07.2017. The learned Judge, after tracing the facts and also taking note of the fact that the writ petitioner was removed from service on 03.12.1993 and that he raised the Industrial Dispute nearly after 18 years in I.D.No.289 of 2011, observed that usually Courts would order reinstatement with full backwages with all attendant benefits and continuity of service, if the order of termination is set aside as illegal and however, considering that the order of termination came to be passed on 03.12.1993 and the writ petitioner moved the Conciliation Officer only on 25.10.2010 and filed the Industrial Dispute on 04.11.2011, nearly after 18 years and that he was aged about 56 years on the date of passing of the Award on 11.09.2013 and therefore, thought fit to enhance the compensation from Rs.2 lakhs to Rs.5 lakhs and accordingly, dismissed the writ petitions filed by the writ petitioner and the Management [W.P.Nos.18058 and 31025 of 2015] challenging the said Award and disposed of W.P.No.18301 of 2015. Challenging the legality of the said common order, these Writ Appeals are filed.

13. Mrs.Rajini Ramadoss, learned counsel appearing for the appellants in W.A.Nos.1325 and 1326 of 2017 has invited the attention of this Court to the typed set of documents and would submit that all along the behaviour and attitude of the respondent/writ petitioner appears to be rebellious and being in a responsible position as Driver in the services of the Transport Corporation, his behaviour sometimes was rebellious and he is always in the habit of absenting himself unauthorisedly and further pointed out that the Certified

Standing Orders also gives power to the Management to take appropriate action in the event of absenteeism for a period exceeding 8 days and admittedly, the writ petitioner was absent for more than 8 days and a show cause notice was issued and he submitted his explanation, which was found to be unsatisfactory and therefore, the order of removal from service came to be passed rightly. The learned counsel appearing for the appellants in W.A.Nos.1325 and 1326 of 2017 by drawing the attention of this Court to paragraph No.13 of the impugned order, would submit that despite the fact that the writ petitioner was removed from service on 03.12.1993, he has moved the Conciliation Officer on 25.10.2010 and raised the Industrial Dispute on 04.11.2011 and in the interregnum, 18 years had elapsed and therefore, the compensation of Rs.2 Lakhs awarded by the Labour Court, which was enhanced to Rs.5 Lakhs by the learned Single Judge is per se unsustainable and therefore, prays for interference.

14. Per contra, the appellant in W.A.No.1441 of 2017/first respondent in W.A.Nos.1325 and 1326 of 2017/ Party-in-Person has invited the attention of this Court to the Written Arguments dated 27.11.2018 and would submit that despite the fact that he has expressed his willingness to work in the services of the Corporation, the said request has been unjustly denied by the Management with malafide motive and their only intention was to remove him from service and despite the fact that on an earlier occasion, the order of removal from service was set aside by the Labour Court and was confirmed by this Court, he was removed from service for unsustainable and frivolous reasons and therefore, he and his family members are put to grave hardship and mental agony on account of non-employment and the delay in approaching the competent forum cannot be termed as deliberate and in any event, he cannot be held guilty for delay and laches.

15. The appellant in W.A.No.1441 of 2017 / Party-in-person also prays for the following relief in his written arguments:

"A) Full back wages for 22 years 10 months since the date of suspension i.e., from 31.07.1992 till the date of superannuation on 26.05.2015,

B) Gratuity for 34 years 01 month since the date of appointment i.e., from 21.04.1981 till the date of superannuation on 26.05.2015,

C) Continuity of service with all attendant benefits like Retirement Family Bus Pass, Monthly Pension, Provident Fund, Leave Wages, Arrears of Salary from 12.04.1986 to 04.09.1986 and from 20.04.1992 to 31.07.1992 etc.

D) Since the date of superannuation pension arrears to be paid along with interest at the rate of 18% and pass any other as may be deemed fit in the interest of justice."

The appellant in W.A.No.1441 of 2017 / Party-in-Person, in support of his submissions, has placed reliance upon the following judgements:

- (i) Metropolitan Transport Corporation v. V.Venkatesan [(2009) 9 SCC 601]
- (ii) Tamil Nadu State Transport Corporation Villupuram, rep. By Managing Director v. Joint Commissioner of Labour (Conciliation), Chennai and Another [2011-I-L.L.J.-646 (Mad)]
- (iii) Order of the Bombay High Court dated 11.04.2014 made in W.P.No.14 of 2011 [Syndicate Bank v. Mr.Vinod Kumar Amin]
- (iv) Deepali Gundu Surwase v. Kranti Junior Adhyapak Mahavidyalaya (D. ED) and Others [(2013) 10 SCC 324]

16. This Court paid it's best attention to the rival submissions and also perused the entire materials placed as well as the decisions rendered by this Court.

17. It is not in dispute that the order of termination came to be passed against the writ petitioner/appellant in W.A.No.1441 of 2017 on 03.12.1993 on account of unauthorised absence and action was taken in terms of the Certified Standing Orders and he was given opportunity in the form of show cause notice and the explanation given by him found to be not-satisfactory and therefore, he was removed from service. The writ petitioner/Party-in-Person, in the affidavit fled in support of the writ petition would aver that his wife was hospitalized and therefore, he was to look after his two months old daughter and despite representations submitted during July 2011, it was not favourably considered and also on account of the prosecution of the earlier industrial dispute and other connected writ petitions, he may not approach the Court in time and since the delay has been properly explained, he cannot be held guilty of delay and laches.

18. It is also relevant to extract Paragraph Nos.18 to 20 of the affidavit filed in W.P.No.18301 of 2015, which is the subject matter of challenge in W.A.No.1441 of 2017:

"18. I state that I am ready to give up my backwages till 23.12.1998. But what is the punishment for the Tamil Nadu State Government Transport Corporation (first Respondent) terminating the workman without enquiry. Indian Judicial System acts against anti-poor, anti-labour, anti-workman and supports pro-Rich, pro-Corruption, pro-Politicians, pro-Advocates,

pro-Magistrates, pro-Police, pro-Corporates, and pro-Bureaucrats.

19. I state that the Labour Court, or the High Court or the Division Bench should have allowed reinstatement with full backwages along with continuity of service with all attendant benefits if the Petitioner is a Magistrate or a Bureaucrate.

20. I state that because of the Corrupt Principal Labour Court, Presiding Officer, Mr.N.Mohandas (since removed), (I.D.No.865/1989), Corrupt, Madras High Court single Judge Mr.Justice P.D.Dinakaran, (since resigned) (W.P.No.10367/1992) and a selfish, Madras High Court Division Bench Judge Mr.Justice P.Sathasivam (since retired, at present of Governor of Kerala State) (W.A.No.1022/2001), the petitioner received after 21 years, of his 67 ½ months backwages on 16.08.2007."

19. The statements/averments made in paragraphs Nos.18 and 20 of the said affidavit would disclose that the writ petitioner/Party-in-person made wild allegations without having any regard to Law and Justice Delivery System and it also prima facie constitutes contempt. However, this Court is not inclined to take any action against the writ petitioner under the provisions of the Contempts of Court Act as well as under Article 256 of the Constitution of India for the reason that the petitioner may out of desperation would have made such allegations and hope and trust that the petitioner/Party-in-person would avoid such kind of allegations/statements in future.

20. Now coming to the merits of the case, admittedly, the petitioner had approached the forum constituted under the Industrial Disputes Act, 1947, nearly after 18 years from the date of removal from service.

21. Let this Court considers the decisions relied on by the appellant in W.A.No.1441 of 2017/writ petitioner/Party-in-Person :

21.1. In Metropolitan Transport Corporation v. V.Venkatesan [(2009) 9 SCC 601], the issue pertains to backwages came up for consideration and after referring to it's various decisions, the Hon'ble Supreme Court observed as under:

"15....Coming back to back wages, even if the court finds it necessary to award back wages, the question will be whether back wages should be awarded fully or only partially (and if so the percentage).

That depends upon the facts and circumstances of each case. Any income received by the employee during the relevant period on account of alternative employment or business is a relevant factor to be taken note of while awarding back wages, in addition to the several factors mentioned in Rudhan Singh [(2005) 5 SCC 591 : 2005 SCC (L&S) 716] and Uday Narain Pandey [(2006) 1 SCC 479 : 2006 SCC (L&S) 250] . Therefore, it is necessary for the employee to plead that he was not gainfully employed from the date of his termination. While an employee cannot be asked to prove the negative, he has to at least assert on oath that he was neither employed nor engaged in any gainful business or venture and that he did not have any income. Then the burden will shift to the employer. But there is, however, no obligation on the terminated employee to search for or secure alternative employment. Be that as it may.

19. First, it may be noticed that in the seventies and eighties, the directions for reinstatement and the payment of full back wages on dismissal order having been found invalid would ordinarily follow as a matter of course. But there is change in the legal approach now.

20. We recently observed in Jagbir Singh v. Haryana State Agriculture Mktg. Board[(2009) 15 SCC 327 : JT (2009) 9 SC 396] that in the recent past there has been a shift in the legal position and in a long line of cases, this Court has consistently taken the view that the relief of reinstatement with back wages is not automatic and may be wholly inappropriate in a given fact situation even though the termination of an employee is held to be in contravention of the prescribed procedure.

23. In this view of the matter, reasonable deduction needs to be made while determining the back wages to which the respondent may be entitled. Taking overall facts and circumstances of the case and all other aspects including the aspect that he was enrolled as an advocate from 12-12-2000 to 15-6-2004, in our considered view, demand of justice would be met if the respondent is awarded back wages in the sum of Rs 4 lakhs instead of Rs 6,54,766."

Therefore, entitlement of full backwages on account of reinstatement is not automatic and it depends upon given facts and circumstances.

21.2. In Tamil Nadu State Transport Corporation, Villupuram, Rep. By Managing Director v. Joint Commissioner of Labour (Conciliation), Chennai and Another [2011 - I - L.L.J. 646 (Mad)], a Division Bench of this Court found that dismissal of workman for unauthorized absence was held to be too harsh and therefore, ordered reinstatement with 50% backwages.

21.3. A Division Bench of Bombay High Court in the decision in Syndicate Bank v. Mr.Vinod Kumar Amin [Order dated 11.04.2014 made in W.P.No.14 of 2011], observed in paragraph No.38.1 that "in case of wrongful termination of service, reinstatement with continuity of service and backwages is the normal rule" and in paragraph No.38.2 observed that "The aforesaid rule is subject to the rider that while deciding the issue of backwages, the adjudicating authority or the Court may take into consideration if any, found proved against the employee/workman, the financial condition of the employer and similar other factors."

21.4. In the decision in Deepali Gundu Surwase v. Kranti Junior Adyapak Mahavidyalaya (D.ED.) and Others [(2013) 10 SCC 324], which once again deals with wrongful termination and in paragraph No.38.6, the Hon'ble Supreme Court observed that "The Courts should bear in mind that in most of these cases, the employer is in an advantageous position vis-a-vis the employee or workman....". On the facts of the case, the Hon'ble Supreme Court found that the order of the High Court in interfering with the order of the Tribunal for payment of backwages, ignoring that the charges levelled against the appellant therein were frivolous and the enquiry was held in gross violation of the principles of natural justice.

22. The decisions cited above lay down the proposition that reinstatement with full backwages is not automatic and depends upon the factual situation.

23. The primordial submission made by the learned counsel appearing for the appellant in W.A.Nos.1325 and 1326 of 2017/Management is that the appellant in W.A.No.1441 of 2017 is guilty of delay and laches.

24. Let this Court considers some of the decisions rendered by the Hon'ble Apex Court:

24.1. In Haryana State Coop. Land Development Bank v. Neelam [(2005) 5 SCC 91], the scope of Sections 11 and 11-A of the Industrial Disputes Act, 1947 came up for consideration and so also the issue of delay/laches/stale claim. The Hon'ble Apex Court in the above cited decision, after considering it's earlier decision in Ajaib Singh v. Sirhind Coop. Marketing-cum-

Processing Service Society Ltd. [(1999) 6 SCC 82], in paragraph No.14, observed that "The decision of Ajaib Singh must be held to have been rendered in the fact situation obtaining therein and no ratio of universal application can be culled out therefrom. A decision, as is well known, is an authority of what it decides and not what can logically be deduced therefrom.."

24.2. In Prabhakar v. Joint Director, Sericulture Department and Another [(2015) 15 SCC 1], the issue relating to reference of belated industrial dispute by the appropriate Government and denial of relief on account of unexplained delay came up for consideration and it is relevant to extract Paragraph Nos.38, 43 and 44 of the said decision:

"38. It is now a well-recognised principle of jurisprudence that a right not exercised for a long time is non-existent. Even when there is no limitation period prescribed by any statute relating to certain proceedings, in such cases courts have coined the doctrine of laches and delays as well as doctrine of acquiescence and non-suited the litigants who approached the Court belatedly without any justifiable explanation for bringing the action after unreasonable delay. Doctrine of laches is in fact an application of maxim of equity "delay defeats equities".

43. We may hasten to clarify that in those cases where the court finds that dispute still existed, though raised belatedly, it is always permissible for the court to take the aspect of delay into consideration and mould the relief. In such cases, it is still open for the court to either grant reinstatement without back wages or lesser back wages or grant compensation instead of reinstatement. We are of the opinion that the law on this issue has to be applied in the aforesaid perspective in such matters.

44. To summarise, although there is no limitation prescribed under the Act for making a reference under Section 10(1) of the ID Act, yet it is for the "appropriate Government" to consider whether it is expedient or not to make the reference. The words "at any time" used in Section 10(1) do not admit of any limitation in making an order of reference and laws of limitation are not applicable to proceedings under the ID Act. However, the policy of industrial adjudication is that very stale claims should not be generally encouraged or allowed inasmuch as unless there is satisfactory explanation for delay as, apart from the obvious risk to industrial peace from the entertainment of claims after long lapse of time, it

is necessary also to take into account the unsettling effect which it is likely to have on the employers' financial arrangement and to avoid dislocation of an industry."

The decision rendered by the Hon'ble Apex Court in Prabhakar v. Joint Director, Sericulture Department and Another [(2015) 15 SCC 1] would apply to the facts of the present case.

25. The facts narrated above would indicate that the petitioner has approached the jurisdictional Labour Court only after 18 years and though no limitation period has been prescribed under the provisions of the Industrial Disputes Act, 1947, in the light of the above cited judgement wherein it was held that "very stale claims should not be generally encouraged or allowed inasmuch as unless there is satisfactory explanation for delay". Though the writ petitioner/Party-in-person would aver that his wife was admitted in the hospital and he has to take care of his child, no supporting material has been produced and even otherwise, there is no satisfactory explanation for such huge delay in approaching the said forum for the purpose of establishing his right.

26. The appellant in W.A.No.1441 of 2017/Party-in-person put forward the contention that Section 33(2)(b) of the Industrial Disputes Act, 1947 has not been complied with and it is to be pointed out at this juncture that the said point has been raised neither during the subsistence of the Industrial Dispute nor in the Writ Petition and even otherwise, the applicability of the Certified Standing Orders is not in dispute. As already pointed out, the appellant in W.A.No.1441 of 2017/Party-in-person had approached the Industrial Forum very belatedly.

27. The Labour Court, in the considered opinion of the Court, has taken into consideration oral and documentary evidence and reached the conclusion to award a sum of Rs.2 Lakhs and it has been enhanced to Rs.5 Lakhs in the common impugned order and the learned Judge also found that the decision of the Labour Court came to be rendered on cumulative consideration of materials, awarding compensation in lieu of reinstatement and however found that the sum of Rs.2 Lakhs awarded by the Labour Court is wholly unjustified. The learned Single Judge has exercised his discretion and this Court also finds that in the light of the present inflationary trend, the sum of Rs.5 Lakhs ordered to be paid to the writ petitioner/Party-in-person in lieu of reinstatement cannot be said to be exorbitant.

28. The appellant in W.A.No.1441 of 2017/Party-in-person would also claim that the terminal and other attendant benefits due and payable to him have not been disbursed at all and the learned counsel appearing for the Management would submit that

whatever dues the Party-in-Person is legally entitled will be disbursed to him within a period of eight weeks from the date of receipt of a copy of this order.

29. This Court, on an independent application of mind to the entire materials placed, is of the considered view that there is no error apparent on the face of the record or infirmity in the reasons assigned by the learned Judge in enhancing the compensation payable to the writ petitioner/Party-in-person. The learned Judge has also taken note of the fact that the writ petitioner/Party-in-person had approached the Labour Court nearly after 18 years from the date of removal from service and exercised his discretion and thought fit to enhance the compensation from Rs.2 Lakhs from Rs.5 Lakhs.

30. In the result, these Writ Appeals are dismissed, confirming the order dated 24.07.2017 made in W.P.Nos.18058, 18301 and 31205 of 2015. No costs.

31. It is also brought to the knowledge of this Court by the learned counsel appearing for the appellant/Management that the sum of Rs.2 Lakhs as ordered by the Labour Court has already been paid to the writ petitioner/Party-in-person and the remaining sum of Rs.3,00,000/- as been deposited to the credit of W.A.Nos.1325 and 1326 of 2017 and it has been invested in a Term Deposit with the Indian Bank, Madras High Court Branch on 12.04.2018 and it will be maturing on 12.04.2019 and the maturity value would be Rs.3,19,980/-. In the light of the orders passed by this Court, the appellant in W.A.Nos.1325 and 1326 of 2017 shall surrender the Fixed Deposit Receipt to the Registrar General of this Court within a week from the date of receipt of a copy of this order, after putting the writ petitioner/Party-in-person on notice and on receipt of such notice, the writ petitioner/Party-in-person shall submit a petition to the Registrar General of this Court for withdrawing the said amount.

सत्यमेव जयते
Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

jvm

To

- 1.The Managing Director,
The Management of
Metropolitan Transport Corporation (M.T.C.)
Pallavan Salai, Anna Salai, Chennai-600 002.

2.The Presiding Officer,
I Additional Labour Court,
Chennai-600 104.

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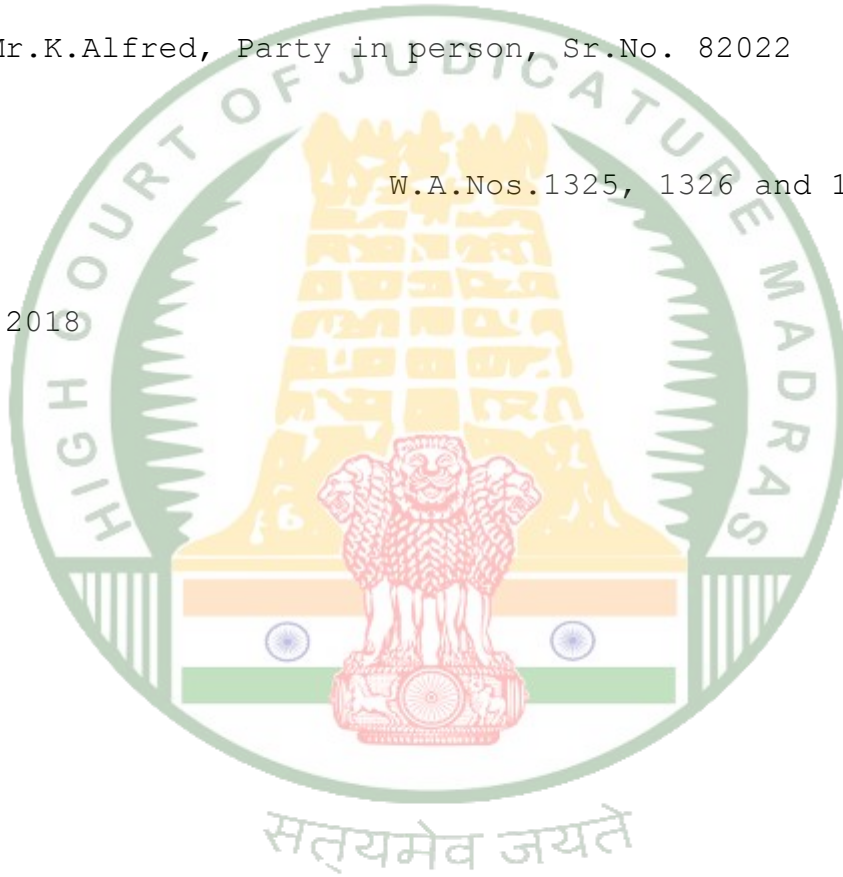
1. The Registrar General,
High Court, Madras.

2. The Section Officer,
Account Section,
High Court, Madras.

+1 cc to Mr.K.Alfred, Party in person, Sr.No. 82022

W.A.Nos.1325, 1326 and 1441 of 2017

JP (CO)
CSL/12.12.2018



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