

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.09.2018

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THE HONOURABLE Dr. JUSTICE. S.VIMALA

W.P.No.35628 of 2016

and W.M.P.No.30621 of 2016

The Management,
Metropolitan Transport Corporation
(Chennai) Ltd.,
Pallavan Illam, Anna Salai,
Chennai - 600 002.

.... Petitioner

versus

1. N.P.Balasubramanian

2. The Presiding Officer,
I Additional Labour Court,
City Civil Court Main Building,
High Court Compound,
Chennai - 600 104.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of writ of certiorari, to call for the records pertaining to the order passed in C.P.No.187 of 2014 dated 03.03.2016 on the file of the 2nd respondent herein and quash the same.

For Petitioner	:	Mr.M.Chidambaram
For R1	:	Mr.S.T.Varadarajulu
R2	:	Court

ORDER

This writ petition has been filed by the Management, Metropolitan Transport Corporation, Chennai, challenging the order dated 03.03.2016 passed by the First Additional Labour Court, Chennai, in C.P.No.187 of 2014, by which the monetary benefits payable to the first respondent has been computed at Rs.11,97,967/-.

2. The first respondent herein, who was appointed as Conductor, had been terminated from service on 27.08.2007. After the lapse of seven years, the first respondent raised C.P.No.187 of 2014, but, never questioning the termination.

3. Thereafter, this writ petition in W.P.No.35628 of 2016 has been filed, in which, W.M.P.No.30621 of 2016 has been filed seeking for stay the operation of the order passed in C.P.No.187 of 2014 dated 03.03.2016. In the said petition, interim stay

was granted on condition that the Management shall pay a sum of Rs.3,00,000/- within eight weeks from the date of receipt of a copy of this order.

3.1. Challenging this, W.A.No.962 of 2018 was filed, wherein, the order was modified directing the Management to deposit a sum of Rs.2,00,000/-. That amount has been deposited to the credit of C.P.No.187 of 2014 before the Labour Court. At this stage, this petition has been heard.

4. The learned counsel appearing for the Management submitted that if the workman is willing to forgo the entire claim made in the Claim Petition, the Management would be willing to re-instate the workman/first respondent herein.

5. The learned counsel appearing for the workman/first respondent submitted that the order passed in Claim Petition cannot be assailed on any grounds whatsoever and when the benefits payable covers a period of 7 years and more, the workman must be permitted at least to withdraw the amount deposited by the Management.

6. Considering the submissions made on either side, this Court is of the considered view that permitting the workman to get at least the amount already deposited to the credit of C.P.No.187 of 2014 would be a reasonable resolution of the dispute.

7. In view of the submissions made on both sides, the Management, Metropolitan Transport Corporation, Chennai, shall reinstate the first respondent, within a period of two weeks from the date of receipt of a copy of this order. The workman shall be permitted to receive the amount of Rs.2,00,000/-, which is already deposited to the credit of C.P.No.187 of 2014.

8. It is made clear that the workman/first respondent is entitled to continuity of service for the purpose of calculation of terminal benefits. The management shall pay the Provident Fund contribution to the first respondent for the period under dispute.

9. The writ petition stands disposed of in the above terms. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

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To
The Presiding Officer,
I Additional Labour Court,
City Civil Court Main Building,
High Court Compound,
Chennai - 600 104.

+lcc to Mr.M.Chidambaram, Advocate SR.NO.60467
+lcc to Mr.S.T.Varadarajulu, Advocate SR.NO.60715

GJ(CO)
sm:4.9.2018

W.P.No.35628 of 2016



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