



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 14.11.2018

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
W.P. (MD)No.460 of 2015
and
M.P. (MD)No.1 of 2015

The Managing Director,
Tamil Nadu State Transport Corporation,
(Madurai Division-I) Limited,
Bye Pass Road,
Madurai-16.

... Petitioner

Vs.

1.The Presiding Officer,
Labour Court,
Madurai.

2.K.Ramasamy

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari, calling for the records pertaining to C.P.No.67/2009 dated 28.06.2012 on the file of the first respondent and quash the same.

For Petitioner : Mr.A.Jeyaram

For R1 : Labour Court

For R2 : Mr.S.Karthik

ORDER

The second respondent was employed as a conductor in the writ petitioner corporation. He was dismissed from service on 05.02.1998. Questioning the same, he raised an industrial dispute. I.D.No.280 of 2001 on the file of the Labour Court, Madurai was allowed on 28.05.2008. The management was directed to reinstate the employee within a period of two months from the date of the award. However, back wages were denied. Questioning the denial of the back wages, the employee appears to have been filed an writ petition and the same is still pending.

2.The management did not choose to challenge the award. Therefore, it ought to have been reinstated the employee within the time period stipulated in the award. The management did not do so. There was a delay in reinstating the employee. The workman was reinstated only on 18.12.2009. For the period, when he was not given employment after the award, the workman filed C.P.No.67 of 2009 before the labour Court, Madurai. The Labour Court by order dated 28.06.2012 allowed the C.P., as prayed for. The same is under challenge in this writ petition.



3.The learned Standing Counsel for the Corporation reiterated the contentions set out in the affidavit filed in support of this writ petition.

4.I am unable to agree with the same. It is obvious that the direction given by the Labour Court was belatedly implemented. Since, there was a delay in implementing the award of the Labour Court, the employee will have to be necessarily paid the wages for the said period.

5.In this view of the matter, I find no ground to interfere with the order of the labour Court which is impugned in this writ petition. Accordingly, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/

Assistant Registrar(W)

/True copy/

Sub Assistant Registrar(CS-IV)

TO
The Presiding Officer,
Labour Court,
Madurai.

+1cc to Mr.A.Jeyaram, Advocate, SR.No.95255
+1cc to Mr.S.KARTHIK, Advocate, SR.No. 95459

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and
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PNN
KK/BK/SAR-4/12.12.2018/2P-4C