



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.02.2018

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

WEB COPY

W.P. (MD) No. 11682 of 2017

and

W.M.P. (MD). No. 8998 of 2017

1.The Management,
Tamil Nadu State Express Transport Corporation,
Pallavansalai,
Chennai.

2.The Branch Manager,
Tamil Nadu State Express Transport Corporation,
Nagercoil Branch, Nagercoil,
Kanyakumari District

.. Petitioners

Vs.

1.M.Alphonse

2.The Presiding Officer,
The Labour Court,
Tirunelveli.

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari, to call for records from the second respondent Labour Court, Tirunelveli relating to his order passed in C.P.No.155 of 2016, dated 12.04.2017 and quash the same.

For Petitioners	: Mr. K.Sathya Singh
For Respondent No.1	: Mr. G.Thiruvartuselvan
Respondent No.2	: Labour Court

O R D E R

Heard the learned Counsel on either side.

2. The first respondent herein was employed as a driver in the petitioner/Transport Corporation. The first respondent had caused an accident leading to the death of some persons. Therefore, disciplinary proceedings was initiated against him and he was also removed from service. Questioning the same the first respondent herein raised the Industrial Dispute. The Labour Court, Tirunelveli by award dated 26.06.2009, allowed I.D.No.66 of 2003 filed by the first respondent. The Labour Court directed the reinstatement of the First Respondent herein with back wages. Thereafter, the first respondent herein took out an application under Section 33(C) (2) of Industrial Dispute Act, before the Labour Court, Tirunelveli. The Labour Court, Tirunelveli by order dated 12.04.2017, directed the



petitioner herein to pay a sum of Rs.2,63,982 with interest at the rate of 9%. The same is questioned in this writ petition.

3. The learned Standing Counsel appearing for the petitioners submits that he is not aware of the award made in I.D.No.66 of 2003 has been questioned or not. Per Contra, the learned Counsel appearing for the first respondent/workman would submit that the said award has become final.

4. The said submission made by the learned counsel for the first respondent is placed on record. There is nothing on record to show that the award in I.D.No.66 of 2003 is modified or set aside. Since the impugned order made in C.P.No.155 of 2016, under Section 33 (C) (2) of Industrial Dispute Act, is only consequential in nature, there is nothing for the Court to interfere in the matter.

5. This Writ petition stands dismissed. No costs. Consequently, W.M.P. (MD). No. 8998 of 2017 is closed.

Sd/-
Assistant Registrar(AE)

/True Copy/

Sub Assistant Registrar

To:

The Presiding Officer,
The Labour Court,
Tirunelveli.

+1cc to M/S.K.Sathya Singh, Advocate SR.No. 49163
+1cc to M/S.G.Thiruvarutselvan, Advocate SR.No. 49084

ORDER MADE IN
W.P. (MD) No. 11682 of 2017
and
W.M.P. (MD). No. 8998 of 2017
15.02.2018

kmi
JM/RSK/SAR 2/12.07.2018/2P/4C