



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.11.2019

CORAM

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THE HONOURABLE MR.JUSTICE **S . S . SUNDAR**

W.P. (MD) No.1107 of 2011

A.Rangasamy

:Petitioner

vs.

1.The Presiding Officer,
Labour Court, Tirunelveli.

2.The Management,
Tamil nadu Government Transport Corporation,
(Madurai Unit No.2), Vannarapettai,
Tirunelveli -3.

:Respondents

PRAYER: Writ Revision Petition filed under Article 226 of Constitution of India, praying to issue Writ of Certiorarified Mandamus, to call for the records of the first respondent in C.P.No.4 of 2005 and to quash the order of the first respondent, dated 22.02.2010 and consequently, to direct the respondents to allow the claim petition filed by the petitioner against the second respondent.

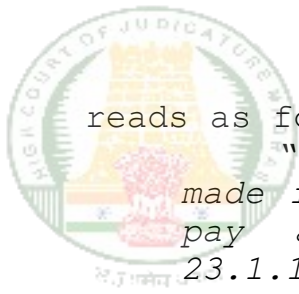
For Petitioner :Mr.K.S.Vamsidhar

For R2 :Mr.D.Selvanayagam

ORDER

This Writ Petition is filed for issuing a Writ of Certiorarified Mandamus, to quash the impugned order of first respondent, dated 22.02.2010 and for a direction to the first respondent to allow the claim petition filed by the petitioner.

2.The petitioner was appointed as Driver in the second respondent Corporation in the year 1964. The petitioner was terminated from service pursuant to the charges framed against him. Hence, the petitioner raised an industrial dispute in I.D.No.41 of 1994 before the Labour Court, Tirunelveli and the first respondent has passed an award by holding that the punishment of dismissal awarded to the petitioner is disproportionate and that the punishment should be modified as one of increment cut for a period of 10 years from 23.01.1977 with cumulative effect. The operative portion of order of Labour Court, Tirunelveli, in I.D.No.41 of 1994



reads as follows:

"Point No.3:In the result, in view of the observations made in point Nos.1 and 2, it is ordered to calculate the pay applicable then to the petitioner category on 23.1.1977, after deducting the increment with cumulative effect from 23.1.1997 for 10 years and also to calculate 10 percentage of wages from 23.1.1977 and it shall be paid to the petitioner till 19.2.2002, the date of his superannuation as back wages. Further the respondent is directed to pay the Provident Fund amount, if it is due to the petitioner in consultation with the authorities under the Provident Fund applicable to the respondent establishment. The prayer for reinstatement by the petitioner is dismissed as infructuous. In view of the nature of the proceedings, the parties are directed to bear their respective costs."

3. Thereafter, the petitioner filed a claim petition before the Labour Court, Tirunelveli, in C.P.No.4 of 2005, claiming a sum of Rs.4,17,348/-, stating that the said amount is calculated in consonance with the award passed by the Labour Court, Tirunelveli, in I.D.No.41 of 1994, dated 25.07.2013. The claim petition filed by the petitioner was dismissed with regard to all other claims, except a sum of Rs.1,15,000/-. Challenging the same, the petitioner has filed the above Writ Petition.

4. Having regard to the nature of punishment imposed, the petitioner was entitled to get salary for the period of service without any increment and only 10% of wages is payable to the petitioner from 23.01.1977. As per the award of the Labour Court, the claim petition was considered and disposed of. Though the petitioner has challenged the order passed by the Labour Court in the Claim Petition, the learned Counsel for the petitioner is unable to demonstrate before this Court, how the calculation of the Labour Court was erroneous.

5. This Court going by the order of Labour Court, is convinced that the Labour Court has considered the relevant factors and disposed of the petition accordingly. This Court find no reason to interfere with the order of Labour Court in the Claim Petition. Accordingly, this Writ Petition is dismissed and the order passed by the first respondent in C.P.No.4 of 2005, dated 22.002.2010 is confirmed. No costs.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

Sub Assistant Registrar (CS)



To

1.The Presiding Officer,
Labour Court, Tirunelveli.

2.The Management,
Tamil nadu Government Transport Corporation,
(Madurai Unit No.2), Vannarapettai,
Tirunelveli -3.

+1 CC to M/s.K.SATHIYA SINGH, Advocate (SR-96067[F] dated
05/11/2019)

+1 CC to M/s.K.S.VAMSIDHAR, Advocate (SR-96428[F] dated
06/11/2019)

W.P.(MD)No.1107 of 2011
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JMN(15.11.2019) 3P : 5C