



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **16.12.2019**

CORAM:

THE HONOURABLE MR.JUSTICE A.P.SAHI, CHIEF JUSTICE

AND

THE HONOURABLE MR.JUSTICE SUBRAMONIUM PRASAD

W.A.[MD]No.769 of 2012

and

M.P.[MD]No.1 of 2012

State Express Transport Corporation
Tamil Nadu Division I Limited,
Rep. by its Managing Director,
Pallavan House, Madras -2.

: Appellant

Vs.

1.The Presiding Officer,
Labour Court,
Tirunelveli.

2.Sivasubramanian

: Respondents

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent, to set aside the order dated 13.08.2012 made in W.P.(MD) No.11002 of 2012.

Prayer in WP(MD). 11002/ 2012 :

To issue a Writ of Certiorari, to call for the records of the order of the Labour Court, Tirunelveli in C.P. No.138 of 2003, dated 06.08.2007 and quash the same.

For appellant : Mr.S.Baskaran
For 2nd respondent : Mr.S.Siva Thilakar

JUDGMENT

[Judgment of the Court was delivered by
Subramonium Prasad, J.]

The instant appeal assails the order dated 13.08.2012 passed in W.P.(MD) No.11002 of 2012.

2. The second respondent herein was a Conductor. He was prematurely retired from service by the appellant / Pallavan Transport Corporation, where he was working. He challenged the order of premature retirement by raising an Industrial Dispute. The Labour Court allowed the dispute in favour of the second respondent stating that he was wrongfully retired prematurely and that he would retire only on attaining the age of 58 years. The Labour Court, therefore, passed an award holding that the second respondent herein is entitled to the monetary benefits for three



years ie., from 01.02.1977 to 31.01.1980.

3. When the award was not complied with, the second respondent filed a claim petition under Section 33(e)(ii) of the Industrial Disputes Act, claiming a sum of Rs.41,544/-. The Industrial Court, by its order dated 06.08.2007, allowed the application and directed the appellant herein to pay the said sum, within a period of 30 days. This order dated 06.08.2007 has been challenged in W.P.(MD) No.11002 of 2012.

4. The principal ground of challenge before the learned Single Judge was that the second respondent / writ petitioner was the employee of Pallavan Transport Corporation and he retired on 30.01.1977 itself. It is, therefore, stated that since the appellant had come into existence only on 16.01.1980, the appellant is not liable to pay the said amount. The learned Single Judge rejected the contention of the appellant. It is this order which has been challenged in the instant writ appeal. The Division Bench had admitted the appeal on condition that the appellant herein should deposit the entire amount of the award in the Labour Court.

5. Heard the learned counsel for the parties and perused the materials on record.

6. It cannot be denied that the appellant is the successor in interest of Pallavan Transport Corporation. They have taken over all the assets and liabilities of Pallavan Transport Corporation and therefore, they could not deny the amount due and payable to the second respondent under the award passed in favour of the second respondent. We do not find any infirmity with the order of the learned Single Judge.

7. This Writ Appeal is dismissed. It is needless to say that the second respondent is entitled to withdraw the entire award amount, which is in the deposit of the Labour Court in C.P.No.138 of 2003. However, there shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar ()

// True Copy //

Sub Assistant Registrar(CS)



Arul/gcg

To
The presiding Officer,
Labour Court,
Tirunelveli.

WEB COPY

+1 cc to Mr.S.Baskaran , Advocate SR.No.105177
+1 cc to Mr.S.Siva Thilakar , Advocate SR.No.105355

JUDGMENT MADE IN
W.A.[MD]No.769 of 2012
and
M.P.[MD]No.1 of 2012
16.12.2019

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