



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : **21.11.2019**
CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
and
THE HONOURABLE MRS.JUSTICE R.THARANI

W.A. (MD)No.1310 of 2019
and
C.M.P. (MD)No.11079 of 2019

The Management,
Tamil Nadu State Transport Corporation,
(Kumbakonam) Limited,
Periyamilaguparai,
Tiruchirappalli,
(Erstwhile Tamil Nadu State Transport Corporation
(Kumbakonam Division-2) Limited)]. ... Appellant

Vs.

1.The Presiding Officer,
Labour Court,
Tiruchirappalli.

2.P.Thirunavukkarasu ... Respondents

PRAYER: Writ Appeal is filed under Clause 15 of the Letter Patent Act, to set aside the order passed in W.P.(MD)No.23880 of 2017 dated 02.03.2018 and dismiss the above writ petition.

Prayer in WP(MD). 23880/ 2017 :

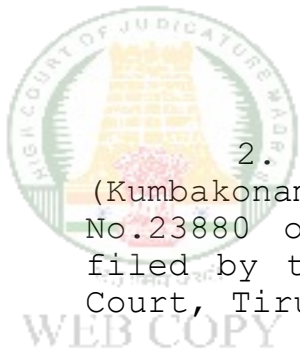
Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorari calling for the records relating to the award passed by the 1st Respondent herein dated 23.06.2015 in ID.No.25 of 2006 and quash the same.

For Appellant : Mr.D.Sivaraman
For R2 : Mr.G.M.Xavier

JUDGMENT

[Judgment of this Court was made by **T.S.SIVAGNANAM, J.**]

Heard Mr.D.Sivaraman, learned counsel for the appellant and Mr.G.M.Xavier, learned counsel for the second respondent. By consent on either side, this writ appeal is taken up for final disposal.



2. This appeal by the Tamil Nadu State Transport Corporation (Kumbakonam) limited is directed against the order in W.P.(MD) No.23880 of 2017, dated 02.03.2018. The said writ petition was filed by the appellant challenging the award passed by the Labour Court, Tiruchirappalli in I.D.No.25 of 2066 dated 23.06.2015.

3. The learned writ Court after examining the factual matrix found that there is no perversity in the award of the Labour Court and confirmed the award of reinstatement with continuity of service. However, taking note of the nature of the accident, which had occurred, the learned writ Court thought fit to restrict the back wages to 40%.

4. We find that there is no error in exercising such discretion, especially when the learned writ Court in paragraph 7 of the impugned order has given cogent reasons, as to why the workman is entitled only to 40% of back wages.

5. In the light of the above, we find no ground to substitute our view to that of the finding recorded by the learned writ Court, more so, when the learned writ Court on consideration of the manner in which the award was passed by the labour Court, found no manifest error or perversity of the award. For such reasons, this writ appeal fails and the same is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar(CS)

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To

The Presiding Officer,
Labour Court,
Tiruchirappalli.

+1 CC to MR.G.M. XAVIER, Advocate (SR-100160[F] dated 21/11/2019)
+1 CC to Mr.D. SIVARAMAN, Advocate (SR-100181[F] dated 21/11/2019)

ORDER MADE IN
W.A. (MD)No.1310 of 2019
21.11.2019