



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 27.09.2019
CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P.(MD) No.20911 of 2019

and

W.M.P(MD).No.17484 of 2019

The Management
Tamil Nadu State Transport Corporation
(Kumbakonam) Limited
Represented by its General Manager
No.27, New Railway Station Road
Kumbakonam 612 001

... Petitioner

-Vs-

P.Panneer Selvam

... Respondent

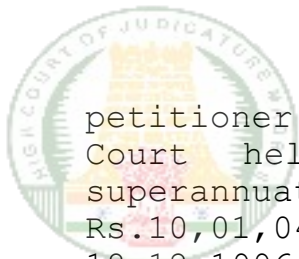
PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari, calling for the records relating to the impugned order, dated 30.05.2019, passed by the Labour Court, Kumbakonam in C.P.No.37 of 2018 and quash the same.

For Petitioner : Mr.P.Balasubramanian

ORDER

The writ petition has been filed to call for the records relating to the impugned order, dated 30.05.2019, passed by the Labour Court, Kumbakonam, in C.P.No.37 of 2018 and quash the same.

2.The respondent was working as driver in the petitioner Transport Corporation. He was dismissed from service on 12.12.1995, for certain misconduct. After that, the respondent raised an industrial dispute in I.D.No.92 of 1997 before the Labour Court, Cuddalore. The Labour Court, by order dated 09.02.2004, setting aside the dismissal order and directed the petitioner to reinstate the respondent with continuity of service and back wages. Against which, the petitioner has filed W.P.No.31028 of 2005, before the Principal Seat of this Court. This Court, by order dated 01.04.2016, confirmed the award passed by the Labour Court and also directed the petitioner to reinstate the respondent with all benefits. In this circumstances, the respondent attained the age of superannuation on 30.06.2010. The respondent filed a claim petition, claiming a sum of Rs.26,00,000/- as back wages for the non-employment period from the years 1996 to 2013. Considering the documents filed by the



petitioner with regard to the age of the respondent, the Labour Court held that the respondent has attained the age of superannuation in the year 2010 and ordered a sum of Rs.10,01,045/- as back wages for the non-employment period ie. from 18.12.1996 to 30.06.2010 to be paid to the respondent. Aggrieved against the said order, the petitioner has come up with the present writ petition.

3.On a perusal of materials, it is seen that the Labour Court ordered to reinstate the respondent with continuity of service and back wages. This Court does not find any reason to interfere with the award passed by the Labour Court, by order dated 01.04.2016 in W.P.No.31028 of 2005, confirmed the order passed by the Labour Court and the dismissed the Writ petition filed by the petitioner. In view of the order passed in W.P.No.31028 of 2005, this Writ petition is dismissed. The petitioner is directed to deposit the amount ordered by the Labour Court, within a period of twelve (12) weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CO)

// True Copy //

Sub Assistant Registrar(CS)

+1 CC to Mr.P.BALASUBRAMANIAN, Advocate (SR-90380[F] dated 30/09/2019)

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and

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