

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 10.02.2020

CORAM
THE HON'BLE MR. JUSTICE K.RAVICHANDRABAABU
W.P.No.1694 of 2020

A.Shoukathali

... Petitioner

vs.

1.The Management

Tamil Nadu State Transport Corporation Ltd.,
Villupuram Division
Villupuram - 605 602.

2.The General Manager

Tamil Nadu State Transport Corporation Ltd.,
Vellore Region
Vellore - 632 009.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue Writ of Certiorarified Mandamus, calling for the records relating to the order of the Presiding Officer, Principal Labour Court, Vellore, Vellore District dated 04.02.2016 passed in C.P.No.113 of 2015, quash the same and consequently, direct the 2nd respondent to pay the claim made in C.P.No.113 of 2015 to the petitioner.

For Petitioner : Mr.S.T.Varadarajalu
For Respondents : Mr.C.S.K.Sathish
Standing counsel

O R D E R

Challenge made in this writ petition is against the order of the Labour Court dated 04.02.2016 passed in C.P.No.113 of 2015. Consequently, the petitioner seeks for a direction to the second respondent to pay the claim made in C.P.No.113 of 2015.

2. Under the above said Computation Petition filed under Section 33C(2) of the Industrial Disputes Act, 1947, the writ petitioner sought for paying a sum of Rs.2,50,063/- from the respondents, being the sum payable to his promotional post. The Labour Court rejected the computation petition.

3. Heard Mr.S.T.Varadarajalu, learned counsel for the petitioner and perused the materials placed before this Court.

4. The main contention of the writ petitioner is that, when the earlier writ petition filed by him in W.P.No.15288 of 2019 was allowed on 18.07.2011 and confirmed by the Division Bench of this Court in W.A.No.1336 of 2012 dated 17.09.2012, the respondents are not justified in not granting the monetary benefits derived out of the promotional post, which ought to have been granted to the petitioner. In support of such contention, the prayer sought for in the above said W.P.No.15288 of 2009 is heavily relied on.

5. It is true that the very same petitioner approached this Court and filed the above writ petition challenging the order of the General Manager, Tamil Nadu State Transport Corporation, Vellore, dated 02.01.2006 with consequential relief for a direction to the second respondent to consider his claim for granting promotion to the post of Driving Instructor. It is not in dispute that the impugned order therein dated 02.01.2006 postponed the increment of the writ petitioner for a period of two years and the period of suspension was to be treated as leave to which he was eligible. Apart from challenging the said order, though the petitioner sought for consequential relief to consider his claim for promotion to the post of Driving Instructor, the writ Court proceeded to decide the writ petition by considering the merits of the matter with regard to the impugned order dated 02.01.2006 alone and categorically found at Paragraph Nos. 7 & 8 that the said order cannot be sustained and consequently, the writ Court has set aside the said order. The term referred to in the said order at Paragraph No.8 viz., "writ petition stands allowed" is taken advantage of by the writ petitioner to contend as if his claim for promotion was also considered by this Court and a direction was issued to that effect.

6. Needless to state that the order passed in the said writ petition has to be read in full and not by reading a particular portion or a sentence of the same in isolation. The prayer in the writ petition may contain several reliefs. Whether all such reliefs were granted or not is the question. Answer to such question can be culled out only by reading the order in full. Unless it is specifically ordered with regard to a particular relief sought for in the prayer, it cannot be presumed to have been granted so, by taking advantage of the term "writ petition stands allowed", especially when the prayer contains several reliefs. Under those circumstances, the term "writ petition stands allowed" has to be read to mean that allowing of the writ petition is confined to the relief specifically granted therein and not all the reliefs sought for in the writ petition. In other words, relief granted by the Court in an order is to be gathered by reading the order in full and not in isolation. It would be a different matter if the order reads as "writ petition is allowed as prayed for". It is not so in this case.

7. In any event the very consequential prayer sought for by the petitioner therein was only for a direction to the respondents therein to consider his claim for promotion. In the absence of any positive direction issued by this Court in the said writ petition, the petitioner is not justified as if he was granted the said relief and accordingly, in filing the computation petition for effecting the payment based on such promotional post. The Labour Court has rightly pointed out that there was no order as he is entitled for promotion and the petitioner has not raised his entitlement for promotion before his tenure came to an end, nor he raised his claim for such promotion after his retirement from any competent authority. Thus, it is evident that the petitioner sought for monetary relief in respect of a promotional post to which he was not promoted at any point of time. Thus, the Labour Court rightly found that the computation petition filed by the petitioner is not maintainable and consequently, rejected the same. I find no reason to interfere with the said order.

8. Accordingly, the Writ petition fails and the same is dismissed. If the petitioner is aggrieved against the non-compliance order passed by this Court in W.P.No.15288 of 2009, it is open to him to resort to the remedies to implement the said order. No costs.

Sd/-

Assistant Registrar(CS-VI)

// True Copy//

Sub Assistant Registrar

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To

1.The Management

Tamil Nadu State Transport Corporation Ltd.,
Villupuram Division, Villupuram - 605 602.

2.The General Manager

Tamil Nadu State Transport Corporation Ltd.,
Vellore Region, Vellore - 632 009.

+1cc to Mr.S.T.Varadarajulu, Advocate, SR.No.10536.

+1cc to Mr.C.S.K.Sathish, Advocate, SR.No.10470.

W.P.No.1694 of 2020

NR(CO)

CSR: 16.03.2020