

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE :24.07.2020

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P. NO. 29472 OF 2013

N.Arivukkarasu

.. Petitioner

- Vs -

The Managing Director,
Tamilnadu Transport Corporation (Coimbatore) Ltd,
Chennimalai Rad, Erode-1. .. Respondent

Prayer: Writ petition filed under Article 226 of the Constitution of India praying this Court to issue a writ of Mandamus, directing the respondent to consider the representation of the petitioner herein dated 17.06.2013 claiming to pay the consent award amount of Rs.1,11,383/- with its interest as passed in C.P.NO.12/2009 in the order dated 23.04.2013 on the file of labour Court, Salem and dispose of the same within an appropriate time.

For Petitioner : M/S.P.Nalliappan

For Respondent : Mr.A.Sundharavadhanan

ORDER

The petitioner has come up with the above writ petition praying to direct the respondent to consider the representation of the petitioner herein dated 17.06.2013 claiming to pay the consent award amount of Rs.1,11,383/- with its interest as passed in C.P.NO.12/2009 in the order dated 23.04.2013 on the file of Labour Court, Salem and dispose of the same within an appropriate time.

2.The case of the petitioner is that the petitioner was working as conductor in the 3rd respondent Transport Corporation therein. While serving thus, a charge memo was issued on the petitioner on the allegation of non-issuance of ticket to a passenger for the value of Rs.0.75/ and he was dismissed from by the respondent by order dated 04.02.1997. Against the order of dismissal, the petitioner raised an industrial dispute before the Labour Court,

Erode, and pending the dispute the respondent offered a settlement under Section 12(3) of the I.D.Act on 12.11.1998, to appoint the petitioner afresh in the basic time scale of pay and the same was also accepted by the petitioner. Thereafter the respondent corporation did not act on the basis of the said undertaking, the petitioner once again raised an industrial dispute under Section 33(C) (2) of ID Act 1947 in C.P.No.296/2004 before the Labour Court, Salem, claiming arrears of salary from 01.01.1999 to 30.06.2004, i.e., of Rs.4,05,490/- with interest @18% as per the above settlement. After contest, the Labour Court passed award in favour of the petitioner by order dated 22.09.2008. Writ petition in W.P.No.14229/2011 was filed against the said award and this Court, by order dated 18.08.2011 directed the respondent corporation therein, to settle the amount. Thereafter, the petitioner filed another industrial dispute in C.P.NO.12/2009 before the Labour Court, Salem. The said petition was allowed in part by the Labour Court vide judgement dated 23.04.2013, directing the respondent to pay a sum of Rs. 1,11,383/- Since the respondent herein did not pay the said amount as awarded in C.P.No.12/2009, the petitioner made a detailed representation to the respondent on 12.06.2013. Further representations were also made since no order has been passed till date on the said representations, the present writ petition has been filed.

3..Learned counsel appearing for the petitioner contended that award was not implemented by the respondent corporation, hence the petitioner made a representation. Till date the respondent corporation has not settled the award amount to the petitioner. Hence he prays this Court to direct the respondent to consider the petitioner's representation dated 17.06.2013 in the light of the award passed in C.P.NO.12/2009 dated 23.04.2013 on the file of Labour Court, Salem and dispose of the same within a reasonable time as fixed by this Court.

4.Learned Standing Counsel, appearing on behalf of respondent, on instructions submitted that the representation submitted by the petitioner would be dealt within, if no appeal has been filed by the Transport Corporation against the order in C.P.NO.12/2009 dated 23.04.2013, within a time frame fixed by this court.

5.This Court heard the submissions advanced by the learned counsel appearing on either side and also perused the materials available on record.

6. In view of the limited relief sought for, without going into the merits of the issue, this Court directs the respondent corporation to consider the petitioner's representation dated 17.06.2013 in the light of the order in C.P.NO.12/2009 dated 23.04.2013 on the file of Labour Court, Salem, in accordance with law and pass orders thereon within a period of three months from the date of receipt of a copy of this order, if no appeal has been filed by the Transport Corporation as on date.

7. With the above direction, this writ petition is disposed off. However, there shall be no order as to costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

jrs

To

1.The Labour Court,
Salem.

2.The Managing Director,
Tamilnadu Transport corporation (Coimbatore) Ltd,
Chennimalai Rad, Erode-1.

+1cc to Mr.A.Sundaravadanam, Advocate, S.R.No.25152

W.P. NO.29472 OF 2013

MR(CO)

CB(14/08/2020)

सत्यमेव जयते

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