WMP.No.18737 of 2018 in WP.No.11326 of 2011

T.S.SIVAGNANAM,J

I have heard Mr.K.M.Ramesh, learned counsel for the petitioner and Mr.C.S.K.Sathish, learned Standing Counsel accepting notice for the first respondent.

2. This is a petition filed by the petitioner seeking to clarify the order and directions dated 30.3.2016 in WP.No.11326 of 2011.

3. The said writ petition was filed by the first respondent herein challenging an award of the second respondent herein – Labour Court in I.D.No.653 of 2001 dated 27.8.2010. However, the said writ petition was dismissed on 30.3.2016.

4. In paragraph 6 of the said order dated 30.3.2016, this Court noted that pursuant to the interim order granted in the said writ petition on 02.2.2011, the petitioner – workman was paid a sum of Rs.2.5 lakhs. This Court further observed that if any further amount was to be paid to the petitioner – workman pursuant to the order, the amount so paid should be adjusted from the terminal benefits, which were payable to the petitioner – workman.

5. According to the petitioner, he is entitled to a sum of Rs.13,31,498.40 Ps., for which, he has filed a claim petition in C.P.No.126 of 2016 before the second respondent herein and it is pending.

6. In the meantime, the first respondent – Transport Corporation issued a communication dated 22.12.2016 stating that this Court directed them in the order dated 30.3.2016 to deduct a sum of Rs.2.5 lakhs. In such circumstances, the petitioner – workman is before this Court seeking clarification.

7. In the considered view of this Court, there is nothing to clarify, as the directions issued in paragraph 6 of the said order dated 30.3.2016 are clear. Nevertheless, since it is stated that the first respondent – Transport Corporation has not correctly understood the scope of the directions, this Court would make things clear in the following manner :

> *"The petitioner filed a petition claiming back wages along with other attendant benefits, etc. The computation of the same will be done by the second respondent herein. Upon computation, a figure would be arrived at and while disbursing the payment of the amount so computed, the first respondent – Transport Corporation will be entitled to deduct Rs.2,50,000/- (Rupees two lakhs and fifty thousand only). This is the scope of the directions issued in the said writ petition."*

8. With these observations, the above miscellaneous petition is disposed of.

21.2.2020

T.S.SIVAGNANAM,J

RS

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in WP.No.11326 of 2011

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