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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.09.2021

CORAM

THE HON'BLE MR.JUSTICE M.S.RAMESH

W.P.NO.22748 OF 2011

AND

M.P.NO.1 OF 2011

The Management of Metropolitan  
Transport Corporation Ltd.,  
Pallavan House,  
Chennai - 600002.

... Petitioner

.Vs.

1. M.R.Arumugam,  
Driver,  
S/o.Renganathan,  
No.36, South Mada Veethi,  
Mangadu, Chennai - 602101.

2. The Presiding Officer,  
III Additional Labour Court,  
Chennai - 600104.

... Respondents

PRAYER:- Writ Petition is filed under Article 226 of Constitution of India for writ of certiorari, calling for the records pertaining to the Award dated 28.02.2011 made in I.D.No.23 of 2009 on the file of the 2<sup>nd</sup> Respondent herein and quash the same.

For Petitioner : Mr.M.Chidambaram

For Respondent No.1 : Mr.S.T.Varadarajulu

O R D E R

Pursuant to the award of the Labour Court dated 28.02.2011 made in I.D.No.23 of 2009, the petitioner-Corporation had been paying last drawn wages as provided under Section 17(B) of the Industrial Dispute Act 1947 to the 1<sup>st</sup> respondent herein.

2. Pending the present writ petition, the aforesaid award was challenged, the management has now offered to reinstate the



petitioner back into services with continuity of service. Insofar as the back wages is concerned, the learned counsel for the petitioner would make a request for waiving the back wages.

3. On the contrary, the learned counsel appearing for the 1<sup>st</sup> respondent/driver would submit that he is not agreeable for waiver of the back wages and submitted that the entire back wages as per the award should be paid to.

4. This Court is of the view that since the management has offered to reinstate the petitioner back into services without going into the merits of the case and that both the parties are disputing on the payment of the back wages alone, the ends of justice could be secured if the award of the Labour Court, insofar as it relates to payment of back wages is restricted to 50%.

5. In consideration of the offer made by the management and the demand of the 1<sup>st</sup> respondent, the impugned award of the Labour Court in made in I.D.No. 23 of 2009, dated 28.02.2011 is set aside insofar as it relates to the payment of back wages alone and the same is modified to payment at 50%. In effect, the petitioner-Corporation is directed to reinstate the 1<sup>st</sup> respondent herein forthwith as a driver in their corporation, with continuity of service and pay the back wages at the rate of 50%. The petitioner-Corporation shall endeavour to release the accumulated back wages as expeditiously as possible, in any event, within a period of twelve (12) weeks from the date of receipt of a copy of this order.

6. At this juncture, it is brought to the notice of this Court that the petitioner-Corporation has deposited a portion of the back wages before the concerned Labour Court. In this connection, liberty is granted to the 1<sup>st</sup> respondent to withdraw the amount deposited and the petitioner-corporation, while disbursing the arrears of back wages, shall adjust the amount which was already withdrawn by the 1<sup>st</sup> respondent.

7. With the above observations and directions, the writ petition stands ordered accordingly. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-  
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

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To

The Presiding Officer,  
III Additional Labour Court,  
Chennai - 600104.

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+1cc to Mr.S.T.Varadarajulu, Advocate, S.R.No.46610

+1cc to Mr.M.Chidambaram, Advocate, S.R.No.46374

W.P.NO.22748 OF 2011 AND  
M.P.NO.1 OF 2011

BS (CO)  
PBS/21/10/2021