



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.07.2021

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.20587 of 2005 and
WMP No.22479 of 2005

Metropolitan Transport Corporation Limited.,
Pallavan Illam
Chennai- 600 002.
rep. by its Managing Director

... Petitioner

-vs-

1. Government of Transport Employee Union,
No.52, Cooks Road, Chennai-12
rep. by its Thiru Narayanan,
General Secretary.

2. The Presiding Officer,
II Additional Labour Court,
Chennai.

... Respondents

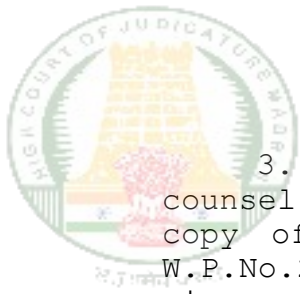
Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorari to call for the records comprised in I.D.No.484 of 1992 and order passed thereon dated 03.01.2003 on the file of the second respondent and to quash the same.

For Petitioner : Mr.M.Chidambaram
For Respondents: Mr.Manogaran
for Mr.V.Ajaykhose

O R D E R

The petitioner has come forward with this Writ Petition challenging the order made in I.D.No.484 of 1992 dated 03.01.2003 on the file of the second respondent, by which the Labour Court had directed the Petitioner / Management to give review from 01.11.1984.

2. The issue involved in the writ petition relates to denial of the first wage increment to the petitioner, who was employed as a conductor from 25.07.1978.



3. When the matter was taken up for hearing, the learned counsel appearing for the 1st respondent / Union, by producing a copy of the order of this Court dated 03.11.2000 passed in W.P.No.20923 of 1994, by which, this Court, in similar circumstances had upheld the order passed by the Labour Court, submitted that the same may be followed in this case also. This has been accepted by the counsel appearing for the Management.

4. Heard both sides. Perused the material available on record.

5. In this case, Workman through Union has raised a dispute after a delay of six years and therefore, in view of the delay, I am not inclined to grant the entire benefits, for the reason that the Workman, having slept over for more than six years, had raised the Industrial Dispute. Though this Court thought of granting 75% of the amount initially, taking note of the present pandemic situation and also considering the fact that the delay was not properly explained, the amount so ordered to be paid by the Labour Court, is reduced to 50%.

6. Accordingly, the Management is directed to pay 50% of the amount ordered by the Labour Court to the Workman, within a period of two months from the date of receipt of a copy of this order, failing which interest @ 6% per annum shall be paid, which can be recovered from the Officials responsible for disbursement of the amount.

7. With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

arr
To:

1.The Presiding Officer,
II Additional Labour Court,
Chennai.

2.The General Secretary
Government of Transport Employee Union,
No.52, Cooks Road, Chennai-12



3.The Managing Director
Metropolitan Transport Corporation Limited.,
Pallavan Illam
Chennai- 600 002.

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+1 CC to Mr.M.Chidambaram, Advocate sr 32415
+1 CC to Mr.V.Ajaykhose, Advocate sr 32470.

W.P.No.20587 of 2005

AKII (CO)
SP (09/08/2021)