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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 01.08.2021

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THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.24657 of 2010

and

M.P.No.1 of 2010

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

...Petitioner

-vs-

1. N.Natarajan
Rep. by the General Secretary,
Dr.Ambedkar Transport Corporation
Employees Union,
No.52, Cooks Road, Perambur,
Chennai - 600 012.

2. The Presiding Officer,
I Additional Labour Court,
Chennai - 600 104.

...Respondents

Prayer: Petition filed under Article 226 of Constitution of India to issue a Writ of Certiorari calling for the records pertaining to the Award dated 19.03.2010 made in I.D.No.340 of 2004 on the file of the 2nd respondent herein and quash the same.

For Petitioner : Mr.M.Chidambaram
For Respondent-1 : Mr.S.Ravi

O R D E R

This writ petition has been filed challenging the Award passed by the 2nd respondent dated 19.03.2010 in I.D.No.340 of 2004.

2. The Labour Court by an order dated 19.03.2020 has set aside the order dated 14.10.2000 reducing the scale of pay of the first respondent, namely, N.Natarajan, Security Guard to the lowest scale of the Security Guard for a period of 10 years and the order for the recovery of Rs.83,500/- from the salary of the first respondent.



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3. According to the learned counsel appearing for the petitioner, even though the writ petition has been filed pursuant to the award, all the benefits have been extended to the employee. He has also filed a memo dated 31.07.2021 to that effect.

4. It is further stated by the learned counsel for the first respondent/Union that due to the pendency of the writ petition provisional pension alone is being paid to the employee. As the Management is willing to pay full pensionary benefits, the employee may not be aware about the calculation based on wage fixation that may be wrong. If the employee is aggrieved by the incorrect fixation of wages, it is open to him to file a computation petition or take recourse in the manner known to law before the appropriate forum and get it redressed.

5. This Court cannot go into those aspects in the present writ petition, when the Management has stated that as per the award, they are willing to grant full pensionary benefits less provisional pension that has been extended, and pay the arrears. Taking note of the submission of the learned counsel for the petitioner, the pensionary arrears if any, as stated supra shall be paid within a period of four months from the date of receipt of a copy of this order. It is open to the employee to redress his grievance before the appropriate forum in the manner known to law. No further orders are required in this writ petition.

6. Recording the memo dated 31.07.2021, the writ petition is closed. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

rsi
To

The Presiding Officer,
I Additional Labour Court,
Chennai - 600 104.

+1cc to Mr.M.Chidambaram, Advocate, S.R.No.37107
+1cc to Mr.S.Ravi, Advocate, S.R.No.37569

W.P.No.24657 of 2010

PCH[co]
NSK 20/10/2021