



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.07.2021

CORAM

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.8182 of 2015

R.Sabapathy

... Petitioner

-vs-

The General Manager
Tamil Nadu State Transport Corporation
(Kovai) Ltd.,
Erode Region
Sennimalai Salai
Erode 638 001

... Respondent

Prayer: Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Mandamus directing the respondent herein to pay 50% of the back wages as ordered by the respondent in his proceedings dated 07.08.2012.

For Petitioner	:	Mr.M.Ganesh
For Respondent	:	Mr.A.Sundaravadhanan for R1

O R D E R

This writ petition has been filed to direct the respondent herein to pay 50% of the back wages as ordered by the respondent in his proceedings dated 07.08.2012.

2. The case of the petitioner / Workman is that he joined the services of the Respondent as Conductor on 09.05.1998 and was removed for the alleged misappropriation of Rs.2,440/- Though the Workman obtained an award in his favour in I.D.No.130 of 2006 with 50% of the backwages, the amount of 50% backwages was not deposited. Instead, the award was challenged by the Management before this Court in W.P.No.6152 of 2010 filed by the Management, which ended in dismissal on 12.01.2012. That being the case the employer ought to have paid the entire amount of 50% as awarded.

3. Mr.Sundaravathanan, learned counsel appearing for the Respondent / Corporation represented that the entire 50% of



backwages have been paid which has been disputed by the Workman. When there is a dispute with regard to the monetary amount paid, the remedy is before the appropriate Labour Forum by filing a petition under Section 33(C) (2) of the I.D. Act 1947 and the writ petition is not maintainable and this Court cannot compute and decide the disputed amount.

4. Accordingly this Writ Petition is dismissed with liberty to the petitioner to approach the Labour Court in accordance with the provisions of the Industrial Disputes Act, 1947. No costs.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

dpq

To:

The General Manager
Tamil Nadu State Transport Corporation
(Kovai) Ltd.,
Erode Region
Sennimalai Salai
Erode 638 001

W.P.No.8182 of 2015

KK (CO)
K.RK. (18.10.2021)