

W.P.No.37372 of 2016
and
W.P.No.4010 of 2020

S.VAIDYANATHAN,J.

These cases are listed today under the caption 'for being mentioned' at the instance of Mr.A.Sundaravadhanan, learned counsel for the Management of the Tamil Nadu State Transport Corporation, Coimbatore/Petitioner in W.P.No.37372 of 2016.

2. Learned counsel for the Management submitted that, the workman is still in service and that, his actual date of birth is 29.01.1964 and that, he is due to retire in January 2024, due to increase in the age of retirement on account of Covid-19 pandemic. As the workman is still in service, learned counsel pointed out that, paragraphs 7 and 9 of the common order dated 16.06.2021 passed in the above Writ Petitions need to be modified accordingly.

3. Taking note of the submissions of the learned counsel appearing for the Management, **paragraphs 7 and 9 of the common order dated 16.06.2021 are modified to the following effect:**

“7. Learned counsel for the Management submitted that, the workman's date of birth is 29.01.1964 and that, he is due to retire in January 2024, due to increase in the age of retirement on account of Covid-19 pandemic. Learned counsel pointed out that, the workman has also filed a Petition under Section 17-B of the Industrial Disputes Act, 1947 for payment of wages on the ground that, he was without employment.

9. Taking note of the submissions of the learned counsel for the parties, the Award passed by the Labour Court is confirmed with the following directions:

(i) The workman will be entitled to **wages under Section 17-B** of the Industrial Disputes Act, 1947, **from the date of the Award till the date of his reinstatement;**

(ii) As the workman is willing to give up backwages from the date of his dismissal till the date of reinstatement, taking note of his continuity of service and other attendant benefits, entire wages payable to the workman

have to be reworked notionally, as if, he was in service from 22.04.2002 till the date of his reinstatement and revised wages have to be paid, including the wages due to the workman from the date of his reinstatement;

(iii) From the arrears payable to the workman, the employee's contribution can be deducted and remitted to the Provident Fund Trust to enable the workman to get pensionary benefits, if the workman is eligible to get pension, to avoid break in getting the benefits;

(iv) The employer's contribution if any, shall also be remitted by the employer;

(v) The workman shall be reinstated in service within a period of **two months from the date of receipt of a copy of this order.**”

4. Registry is directed to substitute the above paragraphs with paragraphs 7 and 9 of the common order dated 16.06.2021 and **delete the name of Mr.M.Arun**, learned counsel for the Petitioner in W.P.No.37372 of 2016 and **retain the name of Mr.A.Sundaravadhanan, learned counsel.**

5. Except the above modification, remaining portion of the common order dated 16.06.2021 passed in the above Writ Petitions, stands unaltered.

6. Registry is directed to carry out the modifications and issue a fresh copy of the order dated 16.06.2021, to the parties.

14.07.2021

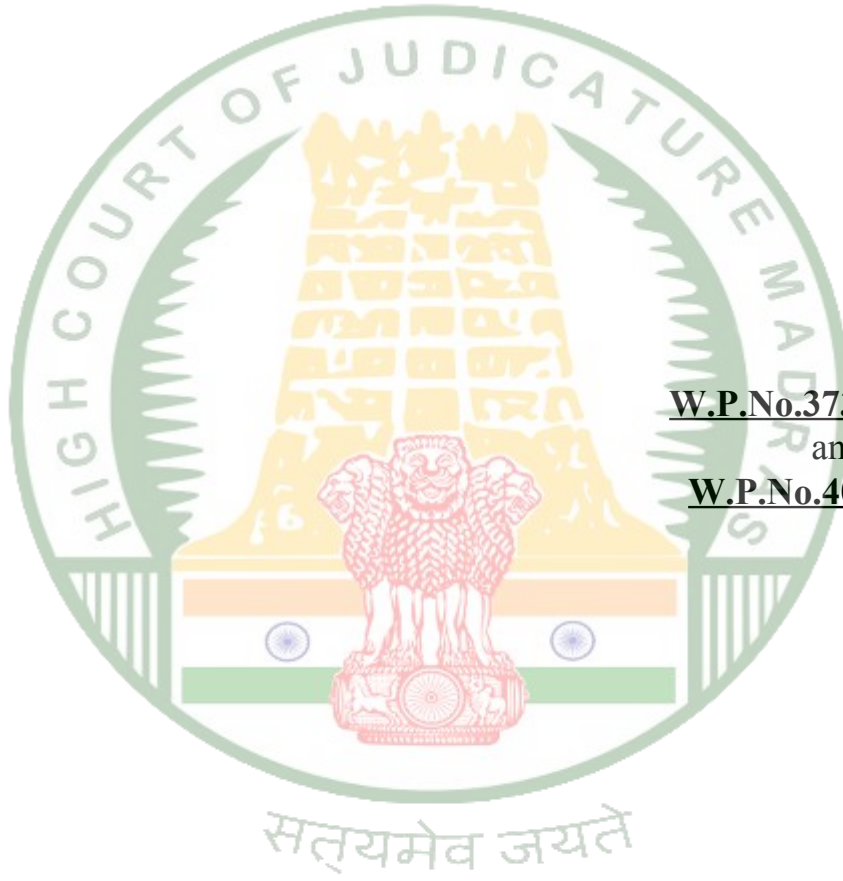
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