



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.07.2021

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.11456 of 2017 and
WMP No.12437 of 2017

The Management,
Represented by its
The General Manager,
Tamil Nadu Transport Corporation,
Vellore Region,
Ranganathapuram,
Vellore.

... Petitioner

-vs-

1. B.R.Chandrasekaran

2. The Presiding Officer,
Principal Additional Labour Court,
Vellore.

... Respondents

Prayer: 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 of the order passed by the second respondent in C.P.No.42/2016 dated 02.01.2017 and quash the same as illegal.

For Petitioner : Mr.C.S.K.Sathish

For Respondents : Mr.T.P.Prabhakaran (R1)

O R D E R

The petitioner has come forward with this Writ Petition challenging the order passed by the second respondent in C.P.No.42/2016 dated 02.01.2017 and quash the same as illegal.

2. The case of the petitioner is that the petitioner is a Transport Corporation and the first respondent is a Workman, who attained the age of Superannuation on 31.05.2015. The Workman filed C.P.No.42 of 2016, before the Labour Court, Vellore seeking payment of salary for a period from 21.05.2015 to 31.05.2015, which was not paid to him by the Management. In the said Computation Petition, the Management filed a detailed counter, stating that on account of computerization of salary particulars, the salary for the period from 01.12.1985 to 31.12.1985 was computed and eleven days' salary for the period between 21.05.2015 and 31.05.2015 was duly paid to all the employees, including the 1st Respondent herein. However, the second respondent allowed the C.P.No.42 of 2016, directing



payment of Rs.20,000/- to the Workman herein as salary payable for 11 days for the period from 21.05.2015 to 31.05.2015. Challenging the same, the present Writ Petition has been filed.

3. According to the Workman, the salary for 11 days was not paid and in any event, the amount already paid cannot be adjusted and recovered after retirement. The issue to be decided is whether there was any non-consideration of payment of 11 days wages to the first respondent, while settling the retirement benefits. The amount claimed by the Workman was for 11 days i.e., from 21.05.2015 to 31.05.2015.

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

5. It is not in dispute that the first respondent / Workman attained the age of superannuation on 31.05.2015. It is the case of the Management that the salary is being disbursed to all the employees on the 1st of every month and the method of payment of salary has been computerized and in that process, in the month of December, 1986 itself, the Workman was paid 11 days wages.

6. Admittedly, the evidence, which was produced before the Labour Court more particularly Exs.R1 and R2, would make it clear that the employee was paid wages for 11 days claimed by him and without considering those documents, the Labour Court proceeded on the basis that the salary for the disputed period had not been drawn and paid to the Workman and held that the Workman is entitled to a sum of Rs.20,000/- for 11 days and the said Order is not justified and has no legs to stand.

7. Considering the aforesaid facts and circumstances of the case, this Court is of the view that the order passed by the second respondent / Labour Court is perverse and arbitrary in nature, and hence the same is liable to be set aside.

8. Accordingly, this Writ Petition is allowed and the order passed by the second respondent dated 02.01.2017 is set aside. No costs. Consequently, connected Miscellaneous Petition is closed.

-s/d-

Assistant Registrar(CS-IV)

True Copy

Sub-Assistant Registrar

arr/ar

To

1. The Presiding Officer,
Principal Additional Labour Court,
Vellore.



Copy to :-

The General Manager,
Tamil Nadu Transport Corporation,
Vellore Region,
Ranganathapuram,
Vellore.

+1cc to Mr.C.S.K.Sathish, Advocate, SR.No.32552
+1cc to Mr.T.P.Prabhakaran, Advocate, SR.No.32468

W.P.No.11456 of 2017

MG (CO)
CT (09/09/2021)