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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.06.2021

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THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.33808 of 2019
and W.M.P.No.34321 of 2019

The Management
Tamil Nadu State Transport Corporation (Villupuram) Ltd.,
Thiruvannamalai Region,
Thiruvannamalai. ... Petitioner

-vs-

R.Suresh ... Respondent

Prayer: Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Certiorari, calling for the records passed by the Labour Court in C.P.No.46 of 2018 and quash the same as illegal and against the provisions of the Industrial Disputes Act, 1947.

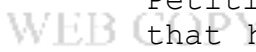
For Petitioner : Mr.C.S.K.Sathish

For Respondent : Mr.G.K.Thamizh Arasan

O R D E R

This writ petition has been filed, seeking to quash the Order of the Labour Court, Vellore dated 13.12.2018 passed in C.P.No.46 of 2018, in and by which, the Management was directed to pay a sum of Rs.1,74,108/- to the Workman towards arrears of five months salary and bonus @ 8.33% after statutory deductions within two months, failing which the said amount would carry 6% interest p.a. till the date of realization.

2. The facts of the case is that the Workman / respondent herein, who was terminated from service, had raised an Industrial Dispute in I.D.No.79 of 2016 before the Labour Court Vellore. The Labour Court, after consideration, by its Award dated 26.07.2017 directed the Petitioner / Management to reinstate the Workman in service without backwages, but with continuity of service, pursuant to which, he was reinstated on 26.02.2018. Subsequently, the Workman filed a petition in C.P.No.46 of 2018 for computation of the benefits, which was



3. Mr.C.S.K.Sathish, learned Standing Counsel for the Petitioner / Management submitted that the Workman made a claim that he should be paid on par with a co-employee, namely, Mani and that the said claim is not at all justified, as there was no evidence produced before the Court in proof thereof. He further submitted that in any event, the exorbitant amount demanded by the Workman ought not to have been computed by the Labour Court.

5. Heard the learned counsel on either side and perused the material documents available on record.

7. Hence, this Court modifies the Order of the Labour Court in respect of interest portion alone and the Petitioner / Management shall pay the amount, as determined by the Labour Court within a period of four months from the date of receipt of a copy of this order, excluding the interest granted by the Labour Court. However, the Management is empowered to subtract the statutory deductions as permitted by the Labour Court. It is made clear that in case the amount is not paid within the time stipulated supra, the interest portion now interfered with due



to pandemic situation shall stand automatically revived and the interest portion can be recovered from the Officials concerned, who fail to comply with the order of this Court in paying the amount within four months.

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8. This Writ Petition is partly allowed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

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To:

The Presiding Officer,
Principal Labour Court,
Vellore.

+1cc to Mr.G.K.Thamizh Arasan, Advocate (SR No.29160)

+1cc to Mr.C.S.K.Sathish, Advocate (SR No.29102)

W.P.No.33808 of 2019

KV (CO)
PR (02/08/2021)