



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.03.2022

CORAM :

THE HON'BLE MR.MUNISHWAR NATH BHANDARI, CHIEF JUSTICE
AND
THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.A.No.1233 of 2021

V.M.Velu

...Appellant/Respondent

Vs.

The Management
Tamil Nadu State Transport Corporation
Villupuram Ltd.
Kanchipuram Region, Ponnerikarai
Bangalore National Highway
Kancheepuram.

...Respondent/Petitioner

Prayer:Appeal filed under Clause 15 of the Letters Patent against the order dated 08.03.2021 in W.P.No.5902 of 2021.

Prayer in W.P.No.5902 of 2021: This Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of certiorari to call for the records relating to the order dated 11.01.2019 in Industrial Dispute No.213 of 2018 on the file of The Presiding Officer Labour Court, Kancheepuram and to quash the same.

For the Appellant : Mr.S.Ayyathurai
For Mr.S.Pushpakaran

For the Respondents : Mr.Saravana Kumar

JUDGMENT

(Delivered by the Hon'ble Chief Justice)

In this writ appeal, a challenge is made to the order of the learned Single Judge dated 08.03.2021.

2.The writ petition was filed by the Management of the State Transport Corporation challenging the award of the Labour Court. The learned Single Judge interfered with the award of the Labour Court finding it to be a non speaking order. Despite marking of 33 documents produced by the appellant as Exhibits W1 to W33, no discussion was made in reference to them. Taking note of the aforesaid, the learned Single Judge set aside the award of the Labour Court. A direction was given to the Labour Court to



complete the proceedings within a period of three months from the date of receipt of a copy of that order.

3.The challenge to the order has been made by the employee taking into consideration the period spent in the intervening period. At one stage, in view of the proposal of the Management to reinstate the appellant without backwages, we persuaded the parties to find out the possibility of settlement of the dispute with reinstatement and continuity of service and consequential benefits other than backwages. Accordingly, the parties have taken the instructions.

4.So far as learned counsel for the appellant is concerned, he submits that the appellant would forgo the backwages till the passing of the award or till the date of filing of the writ petition by the Management, whereas learned counsel for the Management is willing to reinstate the appellant provided he forgoes backwages till 20th April 2022.

5.Both the parties have accordingly agreed on reinstatement with continuity of service. The dispute remains with regard to the period of denial of backwages. We again persuaded the parties and they have agreed for reinstatement of the appellant with effect from 1st January 2022 with the consequential benefits from the aforesaid date.

6.In view of the above, the appellant would now be reinstated in service from 4th April 2022. He will report to duty before the General Manager, Kancheepuram Division, who will accept the joining of the appellant. The permission to enter the office would be given to the appellant and in case of any difficulty, learned counsel for the appellant is permitted to make a mention before the Court on 5th April 2022 itself, so that reinstatement of the appellant is not delayed.

7.The award of the Labour Court and the order of the learned Single Judge are modified to the effect that the order challenged before the Labour Court would not have effect on the appellant and that the appellant is entitled to reinstatement with the benefit of continuity of service and consequential benefits other than backwages from 1st January 2022. There will be no order as to costs. CMP Nos.7856 and 19161 of 2021 are closed.

Sd/-

Assistant Registrar(CS-VIII)

//True Copy//

Sub Assistant Registrar

kpl



To

The Management
Tamil Nadu State Transport Corporation
Villupuram Ltd.
Kanchipuram Region
Ponnerikarai
Bangalore National Highway
Kancheepuram.

+1cc to Mr.G.Saravana Kumar, Advocate, S.R.No.22102

+1cc to Mr.S.Pushpakaran, Advocate, S.R.No.21850

W.A.No.1233 of 2021

RSI (CO)
RGA (07/04/2022)