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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.06.2022

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 26987 of 2016

The Management,
Metropolitan Transport Corporation,
(formerly known as Dr. Ambedkar Transport Corporation Ltd.,)
Pallavan House, Anna Salai,
Chennai - 600 002.

...Petitioner

-vs-

1. S. Krishnamurthy
2. The Presiding Officer,
I Additional Labour Court,
City Civil Court Annexure Building,
High Court Compound,
Chennai - 600 104.

...Respondents

Prayer:-Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorari calling for the records pertaining to the order passed in C.P.No. 628 of 2014 dated 28.03.2016 on the file of the Second Respondent herein and quash the same.

For Petitioner : Mr. M. Chidambaram

For Respondents : Mr. S.Ravi (for R1)

R2 - Court

O R D E R

Heard Mr. M.Chidambaram, Learned Counsel for the Petitioner and Mr.S.Ravi, Learned Counsel for the First Respondent and perused the materials placed on record, apart from the pleadings of the parties.

2.The First Respondent, who was working as Store Assistant in the service of the Petitioner and dismissed from service by order dated 10.07.1995, had raised an industrial dispute in I.D. No. 609 of 1997 before the I Additional Labour Court, Chennai (hereinafter referred to as 'the Labour Court' for short) and an award dated 03.04.2002 was passed for his reinstatement in service with backwages and other benefits. The said order was challenged by the Petitioner in W.P. No. 43399 of 2002 before



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this Court, which was dismissed by order dated 12.09.2013, but was modified in appeal by order dated 10.04.2018 in W.A. No. 406 of 2018 passed by the Hon'ble Division Bench of the Court. The Petitioner had in the meanwhile filed C.P. No. 628 of 2014 under Section 33-C (2) of the Industrial Dispute Act, 1947, claiming the monetary benefits arising out of the award dated 03.04.2002 in I.D. No.609 of 1997 passed by the Labour Court, which was granted by order dated 28.03.2016 and is challenged in this Writ Petition.

3.In view of the order dated 10.04.2018 in W.A.No.406 of 2018 passed by the Hon'ble Division Bench of this Court, which has attained finality, the impugned order passed by the Second Respondent cannot be sustained and is set aside. However, the First Respondent shall be entitled to the benefits in the order dated 10.04.2018 in W.A. No. 406 of 2018, which according to the Petitioner has been complied by order in Memo No. 26091/PaPi(Po) 2/MaPoKa/2018 dated 11.12.2018 passed by the Petitioner and has been placed on record. Further, the Petitioner is not precluded from working out his rights for deriving any other benefits from the order dated 10.04.2018 in W.A. No. 406 of 2018 passed by the Hon'ble Division Bench of the Court before the proper forum in the manner recognized by law.

In the result, the Writ Petition is disposed on the aforesaid terms. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

Maya/skr

To

1. The Presiding Officer,
I Additional Labour Court,
City Civil Court Annexure Building,
High Court Compound, Chennai - 600 104.

2. The General Manager,
Metropolitan Transport Corporation,
(Formerly known as Dr. Ambedkar Transport Corporation Ltd.,)
Pallavan House, Anna Salai, Chennai - 600 002.

+lcc to Mr.M.Chidambaram, Advocate, S.R.No.33423

W.P.No.26987 of 2016

RK(CO)
RGA(16/06/2022)