



W.P.No.16828 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 04.07.2022

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.16828 of 2022
and WMP 16119 of 2022

The Management,
Tamilnadu State Transport Corporation (Salem) Ltd.,
rep. by its Managing Director,
No.12, Ramakrishnan Road, Salem 636 007. ... Petitioner

Vs.

K.Vadivelu (Driver),
8/231/1, Pondhanur Kaattu Valavu,
Kannandheri Post, Sankari Taluk,
Salem 637 102. ... Respondent

Prayer: Writ petition filed under Article 226 of the Constitution of India seeking to issue a Writ of Certiorari, calling for the records relating to the order dated 03.05.2021 passed by the Labour Court, Salem in C.P.No.22 of 2014 and quash the same as illegal, void.

For petitioner : Mr. K.Rajan

ORDER

This writ petition has been filed seeking to quash the impugned order dated 03.05.2021 passed by the Labour Court, Salem in



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C.P.No.22 of 2014.

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2. The respondent/ employee had filed a petition in C.P. 22 of 2014 before the Labour Court, Salem claiming Rs.4334.40 towards overtime wages for 18 hours and 33 minutes, for the period from 02.04.2014 to 08.04.2014; and for 12 hours and 22 minutes for the period from 09.04.2014 to 15.04.2014. The petitioner Management has filed a detailed counter affidavit, denying the claim made by the respondent. However, the Labour Court has not considered the contentions raised by the petitioner and has passed the impugned Award in favour of the respondent. Hence this writ petition.

3. Heard the learned counsel for both the parties and I have perused the materials on record.

4. A perusal of the records shows that the respondent had filed the claim petition seeking payment towards the overtime wages for the above said period. Before the Labour Court, on the side of the employee/ respondent herein, one witness was examined as PW1 and Ex.P1 to Ex.P27 had been marked. On the other hand, on the side of



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the Management/ petitioner herein, no oral and documentary evidence had been marked. The Labour Court has discussed elaborately on the Ex.P4, P7, P9, P11 and P13 and after considering the oral and documentary evidence and also considering the counter affidavit filed by the Management, has passed the reasoning order and has come to the conclusion that the employee is entitled to get Rs.4,334/- towards overtime wages from the Management. Therefore, the above order does not warrant any interference by this Court. Further, the impugned order has been passed on 03.05.2021 and after passing of more than one year, this writ petition has been filed. Thus, there is no prima facie case made out and also no merits in the writ petition.

5. Accordingly, this writ petition is dismissed. No costs. Consequently, connected writ miscellaneous petitions is closed.

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Index:Yes/No
Internet:Yes/No
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D. KRISHNAKUMAR, J.

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