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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.06.2022

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.NO.8279 OF 2014

A.Babu

... Petitioner

Vs.

1. Board of Directors,
rep by its Chairman,
Metropolitan Transport Corporation Ltd.,
Pallavan Illam,
Anna Salai, Chennai - 600 002.
2. The Management of
Metropolitan Transport Corporation Ltd.,
Pallavan Illam,
Anna Salai, Chennai - 600 002.
3. The Administrator,
Tamil Nadu State Transport Corporation
Employees Pension Fund,
Pallavan Salai, Chennai - 600 002.

... Respondents

Prayer:

Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the resolution No.105 of 261th Board dated 09.04.2010 of the 1st respondent and quash the same and consequently direct the 2nd respondent to pay pension under 1998 pension scheme to the petitioner.

For Petitioner : Mr.S.T.Varadarajulu

For R1 & R2 : Mr.K.Moorthy

For R3 : Mr.C.S.K.Sathish



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ORDER

The resolution passed by the respondents / Board regarding implementation of award passed in ID No.132 dated 10.12.2009 is sought to be challenged in the present writ petition.

2. The writ petitioner was an employee of the Transport Corporation and served as conductor. The petitioner was terminated from service and challenging the said order of termination, and the industrial dispute was raised in ID No.132 of 2022. Several proceedings went on during the relevant point of time between the petitioner and the management, and finally the Labour Court passed an award dated 10.12.2009 for grant of 50 % back wages. Regarding the other benefits no order has been passed by the respondents. Thus, the petitioner has chosen to file the present writ petition.

3. This Court is of the considered opinion that the award reveals that 50% back wages with other benefits, in respect of other benefits the petitioner has to approach the Labour Court by way of appropriate petition, more specifically, Industrial Disputes Act provides for filing of execution petition for implementation of the award passed by the Labour Court. Thus, the writ petitioner has to exhaust the statutory remedy as contemplated under the Industrial Disputes Act.

4. When the efficacy of statutory remedy is available under special Act. Entertaining a writ petition is to be restricted only on extraordinary circumstances, if there is an apparent miscarriage of justice High Court will entertain a writ petition under Article 226 but not otherwise.

5. In the present case the petitioner has to approach the Labour Court for execution of the award in the manner contemplated by following the procedures. In the event of filing any such application / petition the Court concerned shall take into consideration the period during which the writ petition was filed before the High Court for the purpose of condoning the delay if any and decide the issues on merits and in accordance with law as expeditiously as possible.

6. With these observation, this Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar

//True Copy//

Jeni/Ab

Sub Assistant Registrar



To

1. The Chairman,
Board of Directors,
Metropolitan Transport Corporation Ltd.,
Pallavan Illam,
Anna Salai, Chennai - 600 002.
2. The Management of
Metropolitan Transport Corporation Ltd.,
Pallavan Illam,
Anna Salai, Chennai - 600 002.
3. The Administrator,
Tamil Nadu State Transport Corporation
Employees Pension Fund,
Pallavan Salai, Chennai - 600 002.

Copy To

The Section Officer,
VR Section, High Court,
Madras.

+1cc to Mr.S.T.Varadarajulu, Advocate, S.R.No.33773

W.P.No.8279 of 2014

KJ(CO)
PM/05/07/2022