



W.P.No.2240 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.10.2022

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.No.2240 of 2014
and
M.P.Nos.1 to 3 of 2014

The Management of Tamil Nadu
State Transport Corporation Limited,
Villupuram.

...Petitioner

Vs

- 1.The Presiding Officer,
Labour Court, Cuddalore.
- 2.G.Bhaskaran
- 3.M.Periyasamy
- 4.G.Manivanan (Deceased)
- 5.P.Ezhilarasan
- 6.Rajakumari
- 7.Sambooranam
- 8.M.Megala
- 9.M.Ananth



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10.M.Monisha

*(R6 to R10 substituted as LR's of
deceased 4th respondent vide order
dated 13.10.2022 in WMP.No.
25948/2022 in WP.No.2240/2014)*

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari, to call for the records of the order passed by the 1st respondent in Computation Petition in Claim Petition No.28 of 2012 dated 31.05.2013 and to quash the same as illegal.

For Petitioner : Mr.M.Aswin

For R1 : Labour Court

For R2 to R10 : Mr.V.Ajoy Khose
for Mr.R.Krishnaswamy

ORDER

Heard Mr.M.Aswin, learned counsel for the petitioner and Mr.V.Ajoy Khose, learned counsel appearing for the respondents 2 to 10.

2. The respondents 2 to 5 herein are Drivers of the petitioner Transport Corporation. When the Corporation had transferred them to other places, they had filed Writ Petitions in W.P.Nos.4262 to 4265 of 2011 before this Court, in which, an order of status quo was granted. In spite of the orders, the



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management did not accede to the request of the respondents to permit them to join work, but rather permitted them to work only for 4 days from 11.03.2011 to 14.03.2011. Ultimately, the Writ Petitions came to be allowed on 01.04.2011. In this background, they had filed an application under Section 33C(5) of the Industrial Disputes Act, 1947, seeking for computation of the salaries payable for the period from 19.02.2011 to 12.04.2011, excluding the 4 days when the management had permitted them to work. The Labour Court, through the impugned award dated 31.05.2013, had computed the claim at Rs.33,655/- to the second respondent, Rs.31,072.50 to the third respondent, Rs.27,600/- to the fourth respondent and Rs.30,000/- to the fifth respondent. Challenging the computation, the present Writ Petition has been filed.

3. It is now brought to the notice of this Court that pending the Writ Petition, the fourth respondent herein had expired and his legal heirs have been substituted as respondents 6 to 10 herein.

4. The learned counsel for the petitioner submitted that the claim period includes the period when the management had passed an order dated



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10.03.2011, setting aside the earlier relieving order dated 18.02.2011 and restored these respondents back into work.

5. Per contra, the learned counsel for the respondents-workmen submitted that this restoration order dated 10.03.2011 was never served on them and even otherwise, the restoration order was a posting order to some other place and not the relieving order. He would further submit that this restoration order was not marked as a document before the Labour Court.

6. The scope of interference, to an order under Section 33C(5) of the Industrial Disputes Act, by this Court exercising its power under Article 226 of the Constitution of India, is very limited. At the most, this Court can go into the illegality of the computation order passed by the Labour Court and cannot look into certain documents, which were not even placed before the Labour Court. More particularly, the workmen claim that such an order was not served on them and that this restoration order offers employment to them at some other depot, inspite of the order of status quo granted by this Court in W.P.Nos.4262 to 4265 of 2011.



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7. When the management had failed to mark this restoration order before the Labour Court, this Court will not be justified in placing reliance on such a document and interfere with the impugned order. Furthermore, the restoration order itself may not be sustainable, since the same has been issued pursuant to interim orders passed by this Court and thus, the workmen would be entitled to be reinstated back into the same place of employment from where they were originally relieved.

8. For all the foregoing reasons, I do not find any reasons to interfere with the impugned order and accordingly, the Writ Petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

9. In view of the dismissal of the Writ Petition, the petitioner Transport Corporation shall forthwith disburse the amounts computed by the Labour Court in Claim Petition No.28 of 2012, dated 31.05.2013, to the respondents-workmen, within a period of 4 weeks from the date of receipt of a copy of this order. In case any portion of the amounts computed under the Claim Petition have already been deposited, the respondents-workmen are at liberty to file an application seeking for withdrawal of the amounts and on receipt of the



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application, the Labour Court, Cuddalore, shall endeavour to pass appropriate orders, permitting the respondents-workmen to withdraw the deposited amount, preferably on the same day of the application.

13.10.2022

Index: Yes/No
Speaking order/Non-speaking order
hvk

To

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Labour Court,
Cuddalore.
2. The Management of Tamil Nadu
State Transport Corporation Limited,
Villupuram.



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M.S.RAMESH,J.

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