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IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 27.04.2022
PRONOUNCED ON : 01.06.2022

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.18922 of 2014
and
M.P.No.2 of 2014

The Management,
Metropolitan Transport Corporation,
Pallavan Salai,
Chennai
rep. by its Assistant Manager.

...Petitioner

Vs.

1.H.Easwaran

2.The Presiding Officer,
The I Additional Labour Court,
Madras High Court,
Chennai-600 102.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari, calling for the records of the order passed by the second respondent in Claim Petition in C.P.No.69 of 1999 dated 15.09.2010 and C.P.No.38 of 2009 dated 15.09.2010 and to quash the same.

For Petitioner :Mr.K.Moorthy
For Respondent-1 :Mr.S.Kanniah

O R D E R

The orders of the Labour Court in C.P.No.38 of 2009 and C.P.No.69 of 1999, dated 15.09.2010 passed under Section 33-C(2) of the Industrial Disputes Act, 1947, computing a sum of Rs.2,28,728/- and Rs.57,003/- respectively, are challenged by the petitioner Transport Corporation.

2. Heard the learned counsel for the parties.



3. The claim made by the first respondent herein is in continuance of an Award of the Labour Court passed in I.D.No.402 of 1996, whereby the petitioner Transport Corporation was directed to reinstate the first respondent herein back into service, together with all service and monetary benefits. It is in connection with the monetary benefits awarded by the Labour Court, the first respondent had filed two Claim Petitions in C.P.Nos.38 of 2009 and 69 of 1999 for two different periods. Through the impugned orders, the Labour Court had computed a sum of Rs.2,28,728/- and Rs.57,003/- respectively, as the amounts payable to the first respondent under the Award of the Labour Court in I.D.No.402 of 1996.

4. The only ground raised in the present Writ Petition is that the first respondent herein is entitled only for the salary towards the back wages and not for the accrued allowances. Such a ground cannot be sustained in view of the fact that the Labour Court, while passing the Award in I.D.No.402 of 1996, had ordered for reinstatement of the first respondent herein, together with all service and monetary benefits. The phrase "service and monetary benefits" would imply that the employee, would be entitled for all the benefits, as if he was not subjected to any disciplinary proceedings or punishment. If that be so, he would naturally be entitled for all the allowances, as if he has been in service. Hence, the ground raised by the petitioner Transport Corporation in this regard, cannot be sustained.

5. In the result, the Writ Petition stands dismissed. Consequently, the connected Miscellaneous Petition is closed. There shall be no orders as to costs.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

DP

To

1.The Presiding Officer,
The I Additional Labour Court,
Madras High Court,
Chennai-600 102.



2.The Assistant Manager,
Metropolitan Transport Corporation,
Pallavan Salai,
Chennai.

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AKII (CO)
SP (09/06/2022)