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W.P.(MD)No.11015 of 2013

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.11.2022

CORAM

THE HONOURABLE MRS.JUSTICE **S.SRIMATHY**

W.P.(MD)No.11015 of 2013

M.Mahendran

... Petitioner

vs.

1.The Presiding Officer,
Labour Court,
District Court Building,
Mellur Road, Madurai 20.

2.The Secretary to Government,
Transport Department,
(Chairman of the Board of Directors,
of all State Transport undertakings)
Fort St.George, Secretariat,
Chennai 600 009.

3.The General Manager,
Tamilnadu State Transport
Corporation (Madurai),
Bye Pass Road, Madurai 10.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records of the 3rd



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respondent culminating in order in Management/A4/3168/2013, dated 16.03.2013, to quash the portion of that order fixing low salary, to direct them to fix salary to the petitioner with all increments and other benefits awarded till date.

For Petitioner	: No appearance
For R1	: Labour Court
For R2	: M/s.D.Farjana Ghoushia Special Government Pleader
For R3	: Mr.A.Jeyaram

ORDER

This writ petition is filed for issuance of a writ of Certiorarified Mandamus, to call for the records of the 3rd respondent culminating in order in Management/A4/3168/2013, dated 16.03.2013, to quash the portion of that order fixing low salary, to direct them to fix salary to the petitioner with all increments and other benefits awarded till date.

2.The petitioner was working as a Driver and he was dismissed from service, vide order, dated 14.02.1991, alleging that the petitioner was absent from 03.04.1990. After conducting enquiry, the petitioner was dismissed from service. Aggrieved over the same, the petitioner raised I.D.No.8 of 1993. The Labour Court has granted reinstatement with continuity of service but denied back wages.



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Thereafter, the petitioner was reinstated through an order, dated 16.03.2013. The grievance of the petitioner is that the respondents have fixed low salary without taking into account the increments applicable to the petitioner. The Labour Court has denied only the back wages and has granted continuity of service. In such circumstances, denying increments applicable to the petitioner is illegal. The petitioner may not be entitled to monetary benefits of the increments but it has to be added in the salary and the increment's effects should be granted to the petitioner.

3. Therefore, this Court is inclined to allow the writ petition. The respondents are directed to include the increments applicable to the petitioner and disburse the salary. However, the petitioner is not entitled to the monetary benefits of the increments for the past period but the effect of increments shall be added in the salary.

4. With the above said observation, the writ petition is allowed. No costs.

Index : Yes / No
Internet : Yes

30.11.2022

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