



W.A.Nos.2023 and 2024 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.08.2023

CORAM :

THE HON'BLE MR.JUSTICE S.VAIDYANATHAN

AND

THE HON'BLE MR.JUSTICE K.RAJASEKAR

W.A.Nos.2023 and 2024 of 2023

State Express Transport Corporation,
rep. by its Managing Director,
Pallavan Salai,
Chennai-600 002.

.. Appellant in
both WAs

Vs

P.Murali

.. Respondent in
WA.No.2023/2023

R.Sakthi

.. Respondent in
WA.No.2024/2023

Prayer: Appeals under Clause 15 of the Letters Patent against the common order dated 13.6.2022 passed by the learned Single Judge in W.P.Nos.31330 and 31332 of 2019.



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For the Appellant : Mr.S.Silambanan
Addl. Advocate General
assisted by
Mr.L.S.M.Hasan Fizal

For the Respondents : Mr.D.Soundar Raj

COMMON JUDGMENT
(Delivered by *S.Vaidyanathan, J.*)

These appeals have been directed against the common order dated 13.6.2022 passed by the learned Single Judge in W.P.Nos.31330 and 31332 of 2019.

2. Today when these appeals are taken up for hearing, learned counsel for the appellant/State Express Transport Corporation has produced before us a communication dated 30.07.2023 addressed to the Additional Government Pleader, High Court of Madras. The said communication dated 30.7.2023 reads thus:

"With reference to the above letter cited, we wish to inform the following instructions pertaining to above writ appeal, since the case is hearing on



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31.08.2023.

On 17.08.2023, submission of letter of the individuals before the Hon'ble High Court of Madras in respect of back wages, the Hon'ble High Court, pronounced to pay back wages to the individual with benefits from Feb'2021 onwards with continuity of service and all the Attendant Benefits.

We may accommodat the said P.Murali & R.Sakthi, back into service as Non Technical Helper with pay Band of Office Assistant without Back Wages upto Jan 2021 with continuity of service and all other attendant benefits.

Hence we request you to defend the case on behalf of our Management."

3. It appears that the employees/workmen have written a letter on 23.01.2021 to the appellant Corporation to the effect that they may be reinstated in service and they agree to give up the backwages.



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4. Learned counsel appearing for the respondents/workmen would submit that the respondents may be given continuity of service and all other attendant benefits and that it will be unfair on the part of the Management to deprive the entire backwages on the basis of the letter in January, 2021.

5. A reading of the communication dated 30.07.2023 of the appellant Corporation would make it very clear that both the employees concerned, namely P.Murali and R.Sakthi, would be taken into service as Non Technical Helper with pay band of Office Assistant without backwages up to January, 2021, but with continuity of service and all other attendant benefits.

6. In view of the above, these appeals are disposed of with a direction to the appellant Corporation to reinstate the respondents on or before 15th September, 2023 without backwages up to January, 2021, but with continuity of service and all other attendant benefits. The arrears of backwages from February, 2021 till



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31.08.2023 shall be paid within a period three months from the date of receipt of a copy of this judgment. There will be no order as to costs. Consequently, C.M.P.Nos.17183 and 17187 of 2023 are closed.

(S.V.N., J.) (K.R.S., J.)
31.08.2023

Index : Yes/No
Neutral Citation : Yes/No
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S. VAIDYANATHAN, J.

and

K. RAJASEKAR, J.

At the instance of the learned counsel for the appellant/Transport Corporation, these writ appeals, which were disposed of *vide* a common judgment dated 31.08.2023, are listed today under the caption “for being mentioned”.

2 When these writ appeals were heard on 31.08.2023, the factum of the orders dated 01.06.2022 passed by the Principal Labour Court, Chennai, in C.P.No.197 of 2018 filed by Sakthi (respondent in W.A. No.2024 of 2023) and C.P. No.198 of 2018, filed by Murali (respondent in W.A. No.2023 of 2023), was not brought to the notice of this Court. The said computation petitions were partly allowed by the Principal Labour Court, Chennai, computing their salary from 01.11.2007 till the date of filing of the said petitions, as Rs.30,60,954/-.



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3 In view of the above, the Registry is directed to substitute the following paragraph in place of paragraph 6 of the order dated 31.08.2023.

“6 In view of the above, these appeals are disposed of with a direction to the appellant Transport Corporation to reinstate the respondents on or before 25.09.2023 without backwages upto January 2021, but, without continuity of service and all other attendant benefits. Further, as the respondents have given up backwages till January 2021, it is made clear that they are not entitled to the benefit of the order dated 01.06.2022 passed by the Principal Labour Court, Chennai, in C.P. Nos.197 and 198 of 2018, except continuity of service and all other attendant benefits, stated *supra*. The arrears of backwages from February 2021 till 24.09.2023 shall be paid within a period of three months from the date of receipt of a copy of this judgment. There will be no order as to costs. Consequently, C.M.P. Nos.17183 and 17187 of 2023 are closed.”

4 Further, it is represented by Mr. S. Silambanan, learned Additional Advocate General-II that the communication addressed by the appellant Transport Corporation to the learned Additional Government Pleader referred to in paragraph 2 of the order dated 31.08.2023 passed by this Court is actually dated 30.08.2023 and not 30.07.2023.

(emphasis supplied)

5 On a perusal of the said communication of the appellant, this



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Court is convinced that the said communication should be dated only 30.08.2023, as submitted by the learned Additional Advocate General-II and not 30.07.2023, as has been wrongly stated in the said communication.

(emphasis supplied)

6 In view of the above, the Registry is further directed to correct the date, viz., 30.07.2023, mentioned in paragraph 2 of the order dated 31.08.2023, as 30.08.2023.

(emphasis supplied)

The Registry shall issue fresh order copy after carrying out the aforesaid two corrections, as stated in paragraphs 3 and 6, *supra*.

(S.V.N., J.) (K.R.S., J.)
13.09.2023

Note to Office: Issue fresh order copy by 20.09.2023

S.VAIDYANATHAN, J.



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