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W.P.Nos.24933 of 2007 and 410 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **21.08.2023**

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HONOURABLE MRS JUSTICE N. MALA

WP.Nos. 24933 of 2007 and 410 of 2008

W.P.No.24933 of 2007

The General Manager,
Tamil Nadu State Transport Corporation,
Coimbatore Division-I Ltd,
37, Mettupalayam Road,
Coimbatore- 641 043.

...Petitioner

Vs

1. The Presiding Officer,
Labour Court,
Coimbatore.

2. M.Soundararajan T.No.14132,
Conductor,
Tamil Nadu State Transport Corporation,
Mettupalayam- Branch,
Coimbatore-Division-I.

...Respondents

Prayer in W.P.No.24933 of 2007 : Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorari, calling for the records relating to ID.No.236 of 2002 dated 27.06.2006 on the file of the 1st respondent and quash the same.



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W.P.Nos.24933 of 2007 and 410 of



For Petitioner : Mr.T.Chandrasekaran

For Respondents : R1- Court

R2- Mr.P.Solomon

W.P.No.410 of 2008:

M.Soundararajan

...Petitioner

Vs

1. The Presiding Officer,
Labour Court,
Coimbatore-18.

2. The General Manager,
Tamil Nadu State Transport Corporation,
Coimbatore Division-I,
37, Mettupalayam Road,
Coimbatore- 641 043.

...Respondents

Prayer in W.P.No.410 of 2007: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, call for the records of the 1st respondent pertaining to the award dated 27.06.2006 passed in I.D.No.236/2002 and quash the award in so far as the denial of backwages alone and consequently direct the 2nd respondent management to reinstate the petitioner with full backwages and other attendant benefits with continuity of service.

For Petitioner : Mr.P.Solomon

For Respondents : R1- Court

R2- Mr.T.Chandrasekaran



W.P.Nos.24933 of 2007 and 410 of

COMMON ORDER

W.P.No.24933 of 2007 is filed challenging the award dated 27.06.2006 of the Labour Court in I.D.No.236 of 2002 directing the petitioner to reinstate the respondent with continuity of service but without any other relief.

2. The learned counsel for the petitioner on written instruction submits that, during the pendency of the writ petition, the respondent was reinstated on 20.01.2007 without prejudice to the challenge made to the award in W.P.No.24933 of 2007. The learned counsel further submits that the respondent remained absent un-authorisedly from 12.05.2011 and thereafter he was removed from service. The respondent was superannuated on 28.02.2018 on attaining 58 years of age. The counsel therefore submits that nothing further remains to be adjudicated in the writ petition.

3. Recording the submissions made by the learned counsel for the writ petitioner, writ petition in W.P.No.24933 of 2007 is dismissed. As nothing survives for adjudication.



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4. W.P.410 of 2008 is filed by the workman challenging the award of the Labour Court, in so far as the denial of backwages and other attendant benefits is concerned. It is seen that the Labour Court after considering the entire evidence on record and the fact that the petitioner was punished on 14 earlier occasions for misconduct of un-authorised absence concluded that the petitioner was not entitled to the relief of backwages and other attendant benefits.

5. It is pertinent to note here that even in the writ affidavit, the petitioner has not stated anything about his non-employment. There is no evidence on the side of the petitioner to show that he was not gainfully employed during the period of non employment. It is further seen that the petitioner joined service on reinstatement on 20.01.2007 without any whisper regarding backwages. It is trite that award of backwages is not automatic on reinstatement. Useful reference in this regard is made to the Judgment of this Court in the case of *Ramesh Chand vs. Management of Delhi Transport Corporation* reported in 2023 SCC Online SC 776. I therefore, see no reason to interfere with the order passed by the Labour Court and hence the same is confirmed.



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In the result, W.P.No.410 of 2008 is dismissed. There shall be no order as to costs in both the writ petitions.

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Index:Yes/No

Speaking Order: Yes/No

Neutral Citation: Yes/No

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To

1.The Presiding Officer,
Labour Court,
Coimbatore.

2. The General Manager,
Tamil Nadu State Transport Corporation,
Coimbatore Division-I,
37, Mettupalayam Road,
Coimbatore- 641 043.

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N.MALA,J.

dsn

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