



W.P.No.2199 of 2019
and W.M.P.No.2444 of 2019

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.11.2023

CORAM

THE HONOURABLE MRS. JUSTICE **R. HEMALATHA**

W.P.No.2199 of 2019
and
W.M.P.No.2444 of 2019

The Management,
Metropolitan Transport Corporation,
Pallavan Illam, Anna Salai,
Chennai - 600 002.

... Petitioner

Vs.

1.B.Padmanaban (Deceased)
2.P.Vijayalatha
3.P.Radhika
4.P.Senthil
5.P.Indraprasanth

... Respondents

(R2 to R5 substituted as LR's of deceased sole respondent vide order dated 07.10.2021 made in W.M.P.No.18146/2020 in W.P.No.2199/2019)

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, to call for the records pertaining to the order passed in C.P.No.111 of 2016 dated 26.09.2018 on the file of the III Additional Labour Court, Chennai and quash the same.



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For Petitioner : Mr.M.Chidambaram
For Respondents : Mr.D.Veerasekaran

ORDER

Aggrieved over the Award passed by the Presiding Officer, III Additional Labour Court, Chennai in C.P.111/2016 filed by the deceased respondent under Section 33 (c) (2) of the Industrial Disputes Act, 1947, the present writ petition is filed by the Management.

2.The first respondent (since deceased) was working in the petitioner Corporation as a driver. He was dismissed from service on 20.05.2002 on account of rash and negligent driving by him. Subsequently, the order of dismissal was set aside on 31.07.2004 and the respondent was reinstated in service on 31.08.2004. Since the respondent was not given backwages for the period from 20.05.2002 to 31.08.2004, he filed a petition under Section 33 (c) (2) of the Industrial Disputes Act before the III Additional Labour Court, Chennai. The Labour Court



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quantified the backwages as Rs.2,69,720/- and directed the petitioner Corporation to pay the said amount.

3.Mr.M.Chidambaram, learned counsel appearing for the writ petitioner contended that the deceased employee at the time of reinstatement gave an undertaking letter that he would not claim backwages for the period from 20.05.2002 to 31.08.2004 and therefore, he cannot file a petition under Section 33(c) (2) of the Industrial Disputes Act before the Labour Court.

4.It is pertinent to point out that the undertaking letter given by the deceased employee has not been produced before the Labour Court. In the circumstances, the Labour Court was right in awarding a sum of Rs.2,69,720/- to the deceased employee towards backwages, bonus and gratuity and also the benefits with regard to the surrender of his earned leave and other incentives. I do not see any infirmity in the orders passed by the Labour Court.



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5. Accordingly, this Writ Petition is dismissed. The petitioner Corporation is directed to pay a sum of Rs.2,69,720/- awarded by the III Additional Labour Court, Chennai, to the respondents within a period of four weeks from the date of receipt of a copy of this order. No costs. Consequently, connected Writ Miscellaneous Petition is closed.

08.11.2023

Index: Yes/No
Internet: Yes/No
Speaking/Non-Speaking order
mtl



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R. HEMALATHA, J.

mtl

To

1.The Management,
Metropolitan Transport Corporation,
Pallavan Illam, Anna Salai,
Chennai - 600 002.

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