



W.P.No.24227 of 2013

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 08.06.2023

CORAM:

THE HONOURABLE Mr.JUSTICE V.LAKSHMINARAYANAN

W.P.No.24227 of 2013

and

M.P.No.1 of 2013

The Management,
Tamil Nadu State Transport Corporation (Salem Division) Limited,
12, Ramakrishna Road,
Salem – 636 007.

...Petitioner.

Vs.

1.The Presiding Officer
Labour Court,
Salem.

2.D.Sivanandam
101, R.S.Mudaliyar Thottam,
Old Suramangalam,
Salem – 636 007.

...Respondents.

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a writ of Certiorari to call for the records of the order passed by the 1st in claim petition in C.P.No.69 of 2010 dated 04.03.2013 and to quash the same as illegal and against the provisions of the Industrial Disputes Act, 1947.



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For Petitioner : Mr.R.Babu
For Respondents
For R1 : Court
For R2 : Mr.K.Goviganesan

ORDER

This writ petition challenges the order passed in C.P.No.69 of 2010 on the file of the Labour Court at Salem. The second respondent was an employee of the writ petitioner. He was dismissed from service and challenged the same in I.D.No.61 of 2006. The said ID was allowed on 27.10.2009 directing the writ petitioner to reinstate from service with continuity of service for the purpose of pensionary and retirement benefits.

2.The award of the Labour Court was published on 18.05.2010. Since the payments were not made in C.P.No.69 of 2010 and was presented seeking for payments from the date of the award till the date of reinstatement, that is for the period 27.11.2009 to 31.07.2010, the said application came to be allowed, for which the present writ petition has been filed.

3.The learned counsel for the petitioner Mr.R.Babu vehemently contended that the effect must be from the date of the notification and not from the award. It is the case that the Labour Court did not publish the award on 27.10.2009.



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4. I am of the view that the order of the court having been notified to the parties through their counsel came into effect on the date, it is pronounced. Therefore, the award came to be enforceable from the date of the petitioner got intimation from the Labour Court that is on 27.10.2009. No evidence has been led in by the writ petitioner to show that the Labour Court did not give an intimation to the parties. I do not find any illegality or irregularity in the order.

5. The writ petitioner states that a sum of Rs.24,793/- has been deposited to the Corporation in Salem on 26.09.2013. The respondent is permitted to withdraw the amount so deposited together with interest, if any.

6. With the above, the writ petition stands dismissed. Connected miscellaneous petition is closed. No costs.

08.06.2023

nst

Index : Yes/No

Speaking : Yes/No

Neutral Citation Case : Yes/No



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V.LAKSHMINARAYANAN,J
nst

To:

The Presiding Officer
Labour Court,
Salem.

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