



WEB COPY



W.P.No.28396 of 2013

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.06.2023

CORAM :

THE HONOURABLE MR.JUSTICE V. LAKSHMINARAYANAN

Writ Petition No.28396 of 2013
and M.P.No.1 of 2013

1.The Management

Tamil Nadu State Transport Corporation
(Villupuram Division0I) Limited
Villupuram.

2.The Management

Tamil Nadu State Transport Corporation
(Villupuram Division-III), Limited
Kancheepuram.

.... Petitioners

-Vs-

1.The Presiding Officer

The Principal Labour Court
Chennai.

2.V.Rajendran

3.The Secretary

Transport Department
Secretariat, Fort St.George
Chennai – 600 009.

.... Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari to call for the records of the award passed by the 1st respondent in Industrial Dispute in I.D.No.710 of 2001 dated 28.11.2012 and to quash the same as illegal and against the provisions of the Industrial Disputes Act, 1947.



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For Petitioners : Mr.M.Aswin
for Mr.P.Paramasiva Doss

For Respondents : Mr.P.Solomon – for R2
R1 - Court

ORDER

The petitioners challenge the order in I.D.No.710 of 2001 dated 28.11.2012. The 2nd respondent was appointed as a Cook at the Thanthai Periyar Transport Corporation, Vyasarpadi Depot on 01.12.1988. His last drawn wages was Rs.600/- per month. He was terminated without notice or enquiry on 14.04.1994. Since this is contrary to provisions of the Industrial Disputes Act, he raised a dispute. The dispute was taken on file as I.D.No.710 of 2001. After a detailed enquiry, the labour Court allowed the industrial dispute directing reinstatement with 50% backwages. It is the admitted case of both sides that the notice that is required under Section 25F and the procedures contemplated in the Industrial Disputes Act was not followed. Apart from that, no notice or opportunity was given prior to his termination. On this basis, the industrial dispute came to be allowed. Challenging the same, the present writ petition has been filed.

2. Mr.Ashwin, learned counsel appearing for the petitioner would argue that, whether the petitioner joined the service of Thanthai Periyar Transport



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Corporation which had been taken over by Tamil Nadu State Transport Corporation (TNSTC) Villupuram or Metropolitan Transport Corporation (MTC) is in doubt.

3. The petitioner had continuously worked for a period of five years and his letter of appointment shows that he worked in the Kancheepuram Division, Vyasarpadi Depot of Thanthai Periyar Transport Corporation. This, subsequently, was converted into TNSTC, Villupuram. Therefore, the factum that the petitioner was an employee of Thanthai Periyar Transport Corporation is not in dispute. Mr.Ashwin said the Department is flummoxed because they do not know whether to reinstate the 2nd respondent in Villupuram or in Chennai. Fortunately, that situation does not arise in the present case because the 2nd respondent has attained the age of superannuation. Therefore, I am not in a position to permit him to rejoin in duty. The labour Court has also not granted full back wages since there is a period of about seven years from the date of termination to approaching the industrial Court. The labour Court has correctly appreciated the position of law and has applied to the facts of the case. There is no perversity or illegality in the order. I am left with no other option than to confirm the order of the labour Court ordering 50% back wages together with continuity of service and all other attendant benefits.



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4. In fine, the writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is also dismissed.

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Index : Yes/No

Neutral Citation : Yes/No

Speaking Order / Non-speaking order

KST

To

1.The Presiding Officer
The Principal Labour Court
Chennai.3.

2.The Secretary
Transport Department
Secretariat, Fort St.George
Chennai – 600 009.



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V. LAKSHMINARAYANAN, J.

KST

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