



W.P.No.22357 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.07.2023

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.22357 of 2016

And

W.M.P.No.19065 of 2016

The Management,
Metropolitan Transport Corporation,
Pallavan Salai,
Chennai – 600 002.
Rep. its Managing Director

... Petitioner

Vs.

1.The General Secretary
State Transport Corporation
Employees Union,
Regd.No.73/MDS (CITU),
2, Pallavan Salai,
Kalaiyaranga Valagam,
Chennai – 600 002.

2.The Presiding Officer,
Industrial Tribunal,
City Civil Court Main Building,
High Court Compound,
Chennai – 600 104.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to
issue a Writ of Certiorari calling for the records pertaining to the order



W.P.No.22357 of 2016

WEB COPY

passed in I.D.No.17 of 2013 dated 27.01.2016 on the file of the second respondent herein and quash the same.

For Petitioner : Mr.M.Chidambaram
For Respondents : Mr.S.T.Varadharajulu for R1

ORDER

The petitioner has filed this writ petition seeking issuance of Writ of Certiorari calling for the records pertaining to the order passed in I.D.No.17 of 2013 dated 27.01.2016 on the file of the second respondent and quash the same.

2.The facts of the case is that the petitioner Management was paying salary to the employees on the last working day of the month and thereafter with the consent of all the Trade Union including the first respondent, present payment of salary system commenced during the month of April 1995 and November 1998 by the Pallavan Transport Corporation and Ambedkar Transport Corporation respectively, as per which the attendance register was altered/ modified and attendance was recorded each month from 21st of the month to the 20 day of the subsequent month. During the first month of the implementation of



W.P.No.22357 of 2016

WEB COPY

the new system, full month salary was paid without referring the attendance for the last 10 days of the month.

3.At the time of retirement, the salary of the employee was paid till 20th day of that month. Aggrieved by the same, the first respondent raised industrial dispute before the second respondent and the second respondent passed the impugned Award holding that the procedure followed by the Management i.e., non-payment of wages/ salary to the retiring employees for the period from 21st day till the last working day is un-justified and the retiring employees are entitled for the wages/ salary for the period from 21st day till the last working day of the retiring month and are also entitled for the collection of bonus and batta for the very same days if they worked for the said period. Challenging the same, the petitioner has filed this writ petition.

4.The learned counsel appearing for the petitioner submitted that, the present system of payment of salary was successfully implemented and the same was accepted by all the Union except the first respondent Union and further submitted that the issue was not properly considered by the second respondent and the impugned



W.P.No.22357 of 2016

award is perverse and warrants interference.

WEB COPY

5.The learned counsel appearing for the first respondent submitted that the members of the first respondent work for the entire month and were allowed to retire at the end of the month, however, the petitioner introduced new system of payment of salary, whereby the salary to the retiring employee was not paid for the last ten days, which is not sustainable. As against the unfair labour practice the petitioner raised industrial dispute and the Labour Court rightly passed the impugned award which warrants no interference.

6.Heard the arguments advanced on either side and perused the materials available on record.

7.The facts in the present case is not in dispute. Admittedly, the employees were allowed to retire from service at the end of the month. Their services were extracted till the end of the month, however, as per the present system of payment of salary, the salary to the retiring employee was paid till 20th of the month and not paid for the last ten days, which in the considered opinion of this Court is unfair. Hence, the impugned award does not warrant any interference.



W.P.No.22357 of 2016

WEB COPY

8.The writ petition is dismissed. No costs. Consequently,
connected miscellaneous petition is closed.

05.07.2023

pri

Speaking Order/ Non Speaking Order
Index: Yes/ No
Internet: Yes/ No

To

- 1.The General Secretary
State Transport Corporation
Employees Union,
Regd.No.73/MDS (CITU),
2, Pallavan Salai,
Kalaiyaranga Valagam,
Chennai – 600 002.
- 2.The Presiding Officer,
Industrial Tribunal,
City Civil Court Main Building,
High Court Compound,
Chennai – 600 104.



WEB COPY



W.P.No.22357 of 2016

M.DHANDAPANI,J.
pri

W.P.No.22357 of 2016
And
W.M.P.No.19065 of 2016

05.07.2023