



WEB COPY



W.A.No.2181 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.08.2023

CORAM :

THE HON'BLE MR.JUSTICE S.VAIDYANATHAN

AND

THE HON'BLE MR.JUSTICE K.RAJASEKAR

W.A.No.2181 of 2023

The Management of Metropolitan
Transport Corporation Limited,
Pallavan Illan, Anna Salai,
Chennai-600 002.

.. Appellant

Vs

1.D.Ponnurangan
2.The Presiding Officer,
III Additional Labour Court,
City Civil Court Annexure Buildings,
Chennai – 600 104.

.. Respondents

Prayer: Appeal under Clause 15 of the Letters Patent against the common order dated 09.12.2019 passed by the learned Single Judge in W.P.No.13100 of 2016.



W.A.No.2181 of 2023

For the Appellant : Mr.C.Gauthamaraj
For the Respondents : Mr.D.Veerasekharan
for respondent No.1
: R2 – Labour Court

COMMON JUDGMENT
(Delivered by *S.Vaidyanathan, J.*)

This appeal is directed against the order dated 9.12.2019 passed by the learned Single Judge in W.P.No.13100 of 2016.

2. On 22.8.2023, this Court had passed the following order:

"The workman, who was a Conductor in the appellant Transport Corporation, was dismissed from service on the ground that he was having excess amount of Rs.13.10 in his cash bag by re-selling the tickets pertaining to previous trips, which is a serious misconduct as per the Certified Standing Orders of the appellant Transport Corporation."



W.A.No.2181 of 2023

2 In the industrial dispute filed by the workman challenging the dismissal order, the Labour Court directed the Transport Corporation to give backwages and all other attendant benefits to the workman from the date of employment till the date of superannuation and did not order reinstatement since the workman had already retired.

3 In the writ petition filed by the Transport Corporation, the Single Bench modified the award by directing the Transport Corporation to give 50% backwages and all other attendant benefits, including terminal benefits, to the workman, from 02.03.2000 to 31.03.2004 and allowed the writ petition in part.

4 Today, when this matter was taken up for hearing, in the light of paragraph 8 of the award, this Court suggested to the learned Standing Counsel for the Transport Corporation to ascertain as to whether the workman can be deprived of the entire backwages and instead, be extended other terminal benefits from the date of his entry into service till the date of superannuation.



WEB COPY



W.A.No.2181 of 2023

Post on 29.08.2023 enabling Mr. Gauthamaraj, learned Standing Counsel for the appellant Transport Corporation, to get instructions."

3. Today when the matter is taken up for hearing, learned counsel appearing for the appellant Metropolitan Transport Corporation submits that the Management is willing to extend the terminal benefits to the employee from the date of his entry into service till the date of superannuation, without any backwages. The employee had the benefit of the award to the effect that the Management should pay backwages and all other attendants benefits from the date of joining till the date of superannuation. Aggrieved by the said award, the writ petition was filed by the Management and the learned Single Judge, taking into consideration the totality of the circumstances, including the pendency of the proceedings and also the fact that the employee has raised a dispute only after a period of five years, deprived backwages to the extent of 50%.

4. Learned counsel for the first respondent/workman would



W.A.No.2181 of 2023

submit that even though the employee is willing to give up the entire backwages, the terminal benefits and the provident fund dues need to be paid in order to enable the employee to get better pension.

5. Taking note of the submissions made by learned counsel for the parties, more so, when the employer is willing to pay the terminal benefits, in order to shorten the life of the litigation, we modify the award of the Labour Court and the order of the learned Single Judge by directing the Management to remit the provident fund contribution of the employer and employee from the date of entry into service till the date of superannuation after adjusting the provident fund amount already remitted and pay the balance to the Trust without interest within a period of eight weeks from the date of receipt of a copy of this judgment.

6. We make it very clear that if the amount is not paid within the stipulated time, the management will have to pay the amount with interest. The employee is entitled to only the pensionary



W.A.No.2181 of 2023

benefits and gratuity by taking into consideration the entire service and the gratuity shall be released within a period of thirty days.

7. With the above observation, the writ appeal is disposed of. There will be no order as to costs. Consequently, C.M.P.No.18701 of 2023 is closed.

(S.V.N., J.) (K.R.S., J.)
31.08.2023

Index : Yes/No
Neutral Citation : Yes/No
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To

The Presiding Officer,
III Additional Labour Court,
City Civil Court Annexure Buildings,
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S.VAIDYANATHAN, J.
and
K.RAJASEKAR, J.

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