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W.P.No.5140 of 2013

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.07.2023

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.5140 of 2013
and M.P.No.1 of 2013

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

...Petitioner

-Vs-

1. N.Sundaram,
S/o.L.K.Nagappan,
144/55 Kaliamman Nagar,
Ayodhyapattinam Post,
Salem.

2. The Presiding Officer,
Labour Court,
Salem.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, to call for the records of the second respondent made in C.P.No.107 of 2009 dated 24.05.2012 and to quash the same as illegal and perverse.



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For Petitioner : Mr.R.Babu

For Respondents

For R1 : Mr.R.MD.Nasurullah

For Mr.K.V.Shanmuganathan

R2 : Tribunal

ORDER

This Writ Petition has been filed challenging the order passed by the Labour Court, Salem, by an order dated 24.05.2012 in C.P.No.107 of 2009, thereby ordered the petitioner to pay a sum of Rs.23,022/- to the first respondent.

2. The first respondent was dismissed from service on account of various charges. Therefore, the first respondent raised industrial dispute, challenging the dismissal order before the Labour Court in I.D.No.197 of 2003. The Labour Court set aside the dismissal order and directed the petitioner to reinstate the first respondent with continuity of service and without backwages, by an order dated 05.01.2005. The said order was challenged by the petitioner Management before this Court in W.P.No.6981 of 2006. However, the petitioner Management paid 17-B wages to the first respondent, while pending the above Writ Petition.



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3. Finally, this Court by an order dated 23.04.2009, disposed the Writ Petition in W.P.No.6981 of 2006, thereby confirming the reinstatement and set aside the continuity of service by substituting the punishment with stoppage of one increment for two years with cumulative effect. Thereafter, the first respondent was reinstated in service and settled all backwages. However, the first respondent filed petition before the Labour Court, under Section 33(c)(2) of Industrial Dispute Act, in C.P.No.107 of 2009 for payment of arrears of wages from 05.01.2005 to 06.08.2008, to the tune of Rs.1,51,850/-. The Labour Court by the impugned order dated 24.05.2012, directed the petitioner to pay a sum of Rs.23,022/- to the first respondent as arrears of wages. Aggrieved by the said order the present Writ Petition has been filed by the petitioner Management.

4. Heard the learned counsel appearing on either side and perused the records.

5. The only contention raised by the petitioner Management is that the Labour Court has erroneously computed the salary of the first respondent as Rs.4,535/- instead of Rs.4,320/-. However, the petitioner



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Management did not even produce any documentary evidence in order to prove that the first respondent had received the salary of Rs. 4,320/- for fixing the arrears of wages. Therefore, the Labour Court rightly awarded the salary and directed the petitioner to pay the arrears. This Court finds no infirmity or illegality in the order passed by the Labour Court, Salem.

6. Accordingly, the Writ Petition stands dismissed. Consequently, connected miscellaneous petition is closed. There shall be no order as to cost.

03.07.2023

Internet: Yes

Index : Yes/No

Speaking/Non Speaking order

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To

The Presiding Officer,
Labour Court,
Salem.



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G.K.ILANTHIRAIYAN. J.

rts

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