



W.P. No. 4669 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 11.04.2023

Coram:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

**W.P. No. 4669 of 2015
and M.P.No.1 of 2015**

The Managing Director,
Metropolitan Transport Corporation Division - I Ltd., (Ex. P.T.C)
No.12. Anna Salai, Chennai-600 002. ...Petitioner

-Vs-

1.Thiru K.S.Dharmarajan,
No.9, Indira Nagar 1st Street,
Nanganallur, Chennai - 600 061.

2. The Presiding Officer,
I Additional Labour Court
City Civil Court Annexure Buildings,
High Court Compound,
Chennai-600 104. ...Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, to call for the records pertaining to the order passed in E.P.No.24/2010 in I.D.No. 118/2000 dated 09.01.2015 on the file of 2nd Respondent and quash the same.

For Petitioner : Mr. M. Chidambaram.

For Respondents : Mr. R. Lawrence for R1
R2-Court



W.P. No. 4669 of 2015

ORDER

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This writ petition has been filed by the petitioner praying to quash the order passed in E.P.No. 24/ 2010 in I.D.No.118/2000 dated 09.01.2015 on the file of the 2nd Respondent-Presiding Officer, I Additional Labour Court, Chennai.

2. The 1st respondent is a Driver under the Petitioner-Transport Corporation. On 07.10.1998, due to the occurrence of an accident, alleged to have been committed by the 1st respondent-workman, without conducting domestic enquiry, the petitioner corporation terminated the 1st Respondent. The 1st respondent-workman has raised a dispute in I.D.No.118 of 2000 challenging the said termination order dated 08.10.1998 before the Labour Court, Chennai.

3. The Labour court, after analysing the oral and documentary evidence, by award dated 10.05.2006, directed the Petitioner Corporation to re-instate the 1st Respondent into service and pay 50% backwages with all other attendant benefits and continuity of service.



W.P. No. 4669 of 2015

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4. Against the said Award, the Petitioner corporation filed a writ petition in WP.No.8584 of 2008 before this Court. This Court vide order dated 31.03.2011 dismissed the said writ petition by confirming the award of the Labour Court passed in I.D.No.118 of 2000.

5. Since there was no appeal preferred by the Transport Corporation, the said award reached its finality. The petitioner Corporation issued the re-instatement order on 19.12.2011 to the petitioner. Thereafter, the 1st Respondent joined the duty and now he is continuing in service.

6. The 1st respondent-workman filed E.P.No.24 of 2010 before the Labour Court claiming that he is entitled to award for the period from 08.10.1998 to 07.05.2008. The Labour Court, ordered the said E.P., holding that the High Court dismissed the Writ Petition filed by the Management and further directed the Petitioner Management to deposit the remaining amount.

7. It is the stand of the learned counsel for the petitioner-Transport Corporation that when E.P. No. 24/2010 was pending on the file of the 1st



W.P. No. 4669 of 2015

Additional Labour Court, an amount of Rs. 1,06,200/- was paid to the 1st Respondent by the Petitioner Corporation, whereas, the balance amount of Rs.2,43,000/- together with interest to be payable to the 1st Respondent. The Petitioner Corporation has admitted that the workman/1st respondent was reinstated into service on 19.12.2011 and 17-B wages was paid to the petitioner, and 50% of the back wages was paid to the worker.

8. Heard both sides.

9. On perusal of the records, it is seen that this Court vide order dated 26.02.2015, had granted interim stay on condition to the petitioner to deposit a sum of Rs.3,50,000/- to the credit of E.P.No.24 of 2010 in I.D.No.118 of 2000 on the file of I Addl.Labour Court Chennai. This court, on 31.03.2023, directed the petitioner corporation to deposit the said amount as a last chance. After giving several opportunities, it is very unfortunate that the petitioner/Transport Corporation has not complied with the order passed by this Court.

10. In such view of the matter, this writ petition is dismissed. The petitioner/Transport Corporation is directed to deposit the balance sum to



W.P. No. 4669 of 2015

the tune of Rs.2,43,000/- along with penal interest within a period of twelve weeks from the date of receipt of a copy of this order, to the credit of E.P.No.24 of 2010 in I.D.No.118 of 2000 on the file of I Addl. Labour Court Chennai. On such deposit, the first respondent is permitted to withdraw the same after filing necessary applications before the Court below. No costs. Consequently connected miscellaneous petition is closed.

11.04.2023

msv/nvsri

Index:Yes/No

Internet:Yes/No

Speaking Order: Yes/No

To
The Presiding Officer,
I Additional Labour Court
City Civil Court Annexure Buildings,
High Court Compound,
Chennai-600 104.



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W.P. No. 4669 of 2015

J.NISHA BANU, J.,
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W.P. No. 4669 of 2015

11.04.2023