



Writ Appeal No.922 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.04.2023

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN
and
THE HONOURABLE MRS.JUSTICE R.KALAIMATHI

Writ Appeal No.922 of 2023

The Management,
Tamil Nadu State Transport Corporation (Salem) Ltd.,
Rep. by its Managing Director,
12, Ramakrishnan Road,
Salem 636 007.

.. Appellant

Vs.

L. Vadivelu (Driver)

.. Respondents

Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 04.07.2022 in WP.No.16828 of 2022 passed by the Single Judge of this Court.

For appellant : Mr.K.Raja

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JUDGMENT

(The Judgment of the Court was delivered by S.VAIDYANATHAN, J)

The present appeal has been preferred by the Management against the order dated 04.07.2022 of the learned Single Judge in WP.No.16828 of 2022 in confirming the order dated 03.03.2021 of the Labour Court, Salem in ID.No.22 of 2014, in computing overtime wages of Rs.4,334/- payable to the employee, which shall be released to him within a period of three months from the date of receipt of a copy of the order, failing which, it was ordered that interest at 6% up to the date of the order and thereafter, at 9% till the amount is disbursed to the employee.

2. The Management/employer has not disputed the overtime work done by the employee and the Labour Court has categorically held that the contention of the employee has not been disputed and in the penultimate paragraph of the order, it has been stated that the employer has paid only a portion of the amount and the remaining amount has not been paid.

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3. The learned Single Judge, while confirming the order of the Labour Court, has categorically taken note of the fact that in terms of Exs.P4, P7, P9, P11 and P13 and the documentary evidence together with oral evidence and the statement of the Management before the Labour Court, the Court has rendered a finding that the employee would be entitled to Rs.4,334/- and that finding need not be interfered with. To be noted, instead of paying the meagre amount of Rs.4,334/-, the employer has paid a sum of Rs.2,000/- towards Court Fees while filing the Writ Petition and another sum of Rs.2,000/- towards Court Fee while filing the instant Writ Appeal, apart from batta and other expenses.

4. We find that the nominal amount, which has been determined by the Labour Court based on the findings, ought not to have been questioned more so, when the litigation cost has worked out much more than the amount payable to the employee. Therefore, the appeal is dismissed. The employer is directed to release the amount as per the order of the Labour



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Court within a period of three months, failing which, the interest portion can be recovered from the officers, who are responsible to release the amount.

No costs.

(S.V.N.J.,) (R.K.M.J.,)
21.04.2023

Speaking Order: Yes / No
pvs

To
The Labour Court, Salem



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