



W.P.No.30638 of 2014

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.01.2023

CORAM:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

Writ Petition No.30638 of 2014
and M.P.No.1 of 2014 and W.M.P.No.1529 of 2019

The Management
Tamil Nadu State Transport Corporation (Villupuram) Limited
Villupuram
Rep.by its General Manager.

. . . Petitioner

Vs.

1.N.Kuzhandaivel
S/o Nagalingam

2.The Presiding Officer
Labour Court
Cuddalore.

. . . Respondents

PRAYER: Writ Petition has been filed under Article 226 of the Constitution of India, for issuance of Writ of Certiorari call for the records of the order passed by the 2nd respondent in Claim Petition in C.P.No.16 of 2011 dated 28.05.2012 and quash the same as illegal and against the provisions of the Industrial Disputes Act, 1947.



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For Petitioner : Mr.Aswin, Standing Counsel
For Respondents : Mr.R.Muralidharan for R2
R1 - Court

ORDER

The order dated 28.05.2012, passed by the Presiding Officer, Labour Court, Cuddalore, in C.P.No.16 of 2011, is under challenge in the present writ petition.

2. The writ petitioner is the management of Tamil Nadu State Transport Corporation (Villupuram) Limited. The 1st respondent - workman was appointed as a Driver under the petitioner Management with effect from 28.11.1986. During the service of the 1st respondent, he committed misconduct and it resulted in dismissal from service. Aggrieved against the order of dismissal, the 1st respondent preferred an Industrial Dispute in I.D.No.24 of 2003 and the same was allowed, directing the petitioner Management to reinstate the 1st respondent, along with continuity of service and all other terminal benefits. Upon receiving the award, the petitioner Management has not directed the 1st respondent to report for duty, instead sent a letter dated 31.05.2011 to the 1st respondent, directing him to appear before the Assistant Manager of the petitioner Management.



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3. Award of the Labour Court in I.D.No.24 of 2003 was passed on 09.06.2010 and came to be published on 17.09.2010. Since the petitioner Management has not acted upon the award dated 09.06.2010, the 1st respondent filed a Computation Petition in C.P.No.16 of 2011, claiming salary from 17.09.2010 to 16.05.2011. The said Computation Petition was allowed by an order dated 28.05.2012, by granting a sum of Rs.1,61,336/- to the 1st respondent. As against which, the present Writ Petition has been filed.

4. The learned counsel for the petitioner would submit that the award in I.D.No.24 of 2003 came to be passed on 09.06.2010. In response to the said award, the petitioner Management sent a letter dated 31.05.2011 (Ex.R.1) to the 1st respondent, to report before the authority concerned. However, the 1st respondent without reporting before the concerned authority, filed the C.P.No.16 of 2011, claiming a sum of Rs.1,61,336/- as salary for the period from 17.09.2010 to 16.05.2011, as if he is reinstated in the service. The Labour Court without considering the fact that the 1st respondent has not reported for duty, even after receipt of the letter dated 31.05.2011, allowed the Computation Petition, which is



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unsustainable and prayed to allow this Writ Petition.

5.The learned counsel appearing on behalf of the 1st respondent-workman states that in the impugned Computation Petition, the Labour Court has adjudicated the case based on its merits. Before the Labour Court, the 1st respondent marked Exs.P.1 & 2 and examined himself as P.W.1. Relying on the above said documents and witness, the Labour Court passed an Award in favour of the 1st respondent-workman. Further, the amount claimed in the Computation Petition was not denied by the petitioner Management before the Labour Court. That apart, the 1st respondent-workman filed documents to establish that he is entitled for wages for the intervening period and by considering the documents filed by the 1st respondent-workman, the Labour Court passed an Award in favour of him.

6.Heard the learned counsel appearing on either side and perused the materials.



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7. Admittedly, the 1st respondent by way of an I.D.No.24 of 2003 dated 09.06.2010 is eligible to be reinstated with continuity of service and other benefits. After receipt of the award passed in I.D.No.24 of 2003, the petitioner Management without directing the 1st respondent to report for duty, directed him to appear before the authority concerned. Further, the Labour Court, by considering the facts and circumstances of the case and also analysing exhibits and evidences placed before it passed an order impugned in this Writ Petition, which does not warrant any interference at the hands of this Court. Accordingly, this Writ Petition stands dismissed. No costs. Consequently connected miscellaneous petitions are closed.

23.01.2023

Index : Yes/No
Internet : Yes/No
Neutral citation: Yes/No
Speaking order/Non-speaking order
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To
1.The Presiding Officer
Labour Court
Cuddalore.

2.The Section Officer
V.R.Section
High Court of Madras.



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J.NISHA BANU,J.

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