



WEB COPY



WP.No.31379 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.08.2023

CORAM

THE HON'BLE Mr. JUSTICE **G.K.ILANTHIRAIYAN**

W.P. No.31379 of 2014

and

M.P.No.1 of 2014

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

....

Petitioner

Vs

1. The Presiding Officer,
Labour Court,
Cuddalore.

2. S.Rajendran

....

Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari to call for the records of the order passed by the first respondent in C.P.No.4 of 2013 dated 01.04.2014 and to quash the same as illegal.

For Petitioner : Mr.M.Ashwin

For R1 : Court

For R2 : R.Muralidharan



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ORDER

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This writ petition has been filed challenging the Award dated 01.04.2014 passed in C.P.No.4 of 2013 by the first respondent, thereby directed the petitioner/Management to pay a sum of Rs.3,53,436/- as computed by the Labour Court.

2. Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the second respondent and perused the materials available on record.

3. The second respondent/claimant was removed from service on 19.11.1999. Therefore, as against the order of removal, the second respondent raised industrial dispute in I.D.No.68 of 2002. The Labour Court has set aside the order of removal and directed the petitioner to reinstate the second respondent with continuity of service and to pay back wages. The petitioner challenged the Award passed by the Labour Court before this Court in W.P.No.12160 of 2009.

4. While granting interim stay, this Court directed the petitioner to deposit the back wages and to pay last drawn salary to the



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second respondent until the disposal of the writ petition. Accordingly, the petitioner has been paying the last drawn salary to the second respondent and also deposited a sum of Rs.5,37,672/-. After the dismissal of the writ petition the second respondent had withdrawn the entire amount, which was deposited by the petitioner. Therefore, the second respondent filed claim petition to pay regular salary with annual increments. The Labour Court directed the petitioner to pay back wages to the second respondent and after deducting the deposit already made by the petitioner and computed the salary to the tune of Rs.3,53,436/- and directed to pay the same to the second respondent.

5. In fact, the petitioner also filed writ appeal in W.A.No.3346 of 2019 as against the order passed in W.P.No.12160 of 2009 and the same was closed by this Court, by an order dated 13.07.2021, on the ground that the main writ petition itself was dismissed and ordered in favour of the second respondent. Therefore, this Court finds no infirmity or illegality in the order passed by the first respondent, since it is only a consequential order to the order passed in I.D.No.68 of 2002. Therefore, the writ petition lacks merits and it is liable to be dismissed. Accordingly, this Writ Petition stands dismissed. Consequently,



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connected miscellaneous petition is closed. There shall be no order as to costs.

07.08.2023

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Index: Yes/No
Internet: Yes/No

To

The Presiding Officer,
Labour Court,
Cuddalore.



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G.K.ILANTHIRAIYAN,J.

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