



WEB COPY



W.P.No.31744 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.07.2023

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

W.P.No.31744 of 2014

The Management,
Tamil Nadu State Transport Corporation Ltd,
Villupuram-605 602.
represented by its General Manager

... Petitioner

-Vs-

1. The Presiding Officer,
Labour Court,
Cuddalore.

2. K.Rajaram

... Respondents

Prayer:- Writ Petition filed under Article 226 of Constitution of India for the issuance of Writ of Certiorari, to call for the records of the order passed by the first respondent in C.P.No.13 of 2014 dated 30.07.2014 and consequential notice issued by the first respondent in E.P. No.31 of 2014 in I.D.No.92 of 2001 dated 27.08.2014 and quash the same as illegal.

For Petitioner : Mrs.S.Pavithra

For Respondents

R1 : Court

R2 : Mr.K.Arunagiri



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ORDER

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This Writ Petition has been filed challenging the order passed in CP.No.13 of 2014 dated 30.07.2014, thereby ordered arrears of his salary to the tune of Rs.5,94,915/- in favour of the second respondent herein.

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

3. The second respondent was engaged by the Branch Manager as Conductor. Because of his absence, the petitioner stopped from assigning any duty to the second respondent. In the meanwhile, the second respondent also filed a writ petition for relaxation of his service. This Court directed the petitioner to consider the claim of the petitioner for grant of employment. However, the claim of the second respondent was rejected and as such the second respondent raised an industrial dispute in I.D.No.92 of 2001 seeking reinstatement into his service with continuity of service and all other attendant benefits. The Labour Court passed an award dated 23.08.2011 and directed the petitioner to reinstate into



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service with continuity of service and all other attendant benefits.

However, the request of backwages was declined. It was challenged by the petitioner in W.P.No.28521 of 2012 and the same was also dismissed. Aggrieved by the same, they also preferred an appeal before the Hon'ble Supreme Court of India and the same was also dismissed.

4. After dismissal of SLP, the second respondent was reinstated into service in the year 2020. In the meanwhile, the second respondent filed a claim petition in CP.No.13 of 2014 seeking payment of salary from the date of award 23.08.2011, till filing of claim petition. It was allowed to the tune of Rs.5,94,915/- payable by the petitioner to the second respondent. Since it was not complied with, the second respondent filed an execution petition, in which the petitioner was served with notice.

5. The learned counsel for the petitioner would submit that the labour Court without any proper calculation of the salary, mechanically allowed the claim petition. He had also produced the new calculation memo before this Court.



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6. A perusal of the counter filed by the petitioner before the first respondent revealed that the first respondent never denied the claim made by the petitioner. Therefore, the labour Court had rightly awarded the backwages to the second respondent. In fact, while admitting this writ petition, this Court directed the petitioner to deposit Rs.6,00,000/- to the credit of E.P.No.31 of 2014. Accordingly, the petitioner had deposited the said amount. Thereafter, the second respondent was also permitted to withdraw Rs.4,00,000/- out of Rs.6,00,000/- deposited by the petitioner. That apart, the second respondent was reinstated into service only in the year 2020 that too after the dismissal of Special Leave Petition filed by the petitioner as against the award to reinstate the second respondent into service.

7. In view of the above, this Court finds no infirmity or illegality in the order passed by the first respondent and this writ petition is devoid of merits and is liable to be dismissed. Whatever the remaining amount which is lying in the credit of the labour Court, the second respondent is permitted to withdraw the same.



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8. Accordingly, this writ petition stands dismissed. No costs.

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Internet : Yes

Index : Yes/No

Speaking order/Non-speaking order
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G.K.ILANTHIRAIYAN, J.

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To

The Presiding Officer,
Labour Court,
Cuddalore.

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