



WEB COPY



W.P.No.20109 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.04.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

**W.P.No.20109 of 2021 and W.M.P. Nos.
21383 of 2021, 16865 of 2022 & 3279 of 2023**

M/s.State Express Transport Corporation Ltd.,
rep. by its Managing Director,
No.2, Pallavan Salai,
Chennai – 600 002.

...Petitioner

Vs

G.Subramanian

...Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari calling for the records relating to the order dated 18.06.2020 passed by the Presiding Officer, I Additional Labour Court, Chennai in C.P. No.21 of 2019 and to quash the same as illegal.

For Petitioner : Mr.K.Kathiresan

For Respondent : Mr.R.Prabakaran

ORDER

Heard Mr.K.Kathiresan, learned counsel for the petitioner and
Mr.R.Prabakaran, learned counsel for the respondent.



W.P.No.20109 of 2021

WEB COPY

2.The writ petition has been filed, challenging the impugned order dated 18.06.2020 passed by the Presiding Officer, I Additional Labour Court, Chennai in C.P. No.21 of 2019.

3.The impugned order passed by the Labour Court under Section 33-C(2) of the Industrial Disputes Act 1947, which is based on the Award of the Labour Court in I.D. No.30 of 1999, is under challenge in the present writ petition. The Award was earlier challenged by the Management before this Court in W.P. No.34274 of 2004, which was dismissed on 08.11.2013. No further Appeal was filed against the order of dismissal. Hence, the Award of the Labour Court has become final.

4.The claim of the petitioner in the petition filed under Section 33-C(2) of the Industrial Disputes Act is based on the Award granting continuity of service together with 50% back wages. The Labour Court had computed the Claim Petition and arrived at a sum of Rs.24,76,256.50, as the sum payable to the respondent.



W.P.No.20109 of 2021

WEB COPY

5.The only ground raised in the present writ petition is that there is no clarity in the calculation made by the Labour Court as to how the back wages was calculated.

6.Insofar as all other grounds raised in the affidavit filed in support of the present writ petition, they touched upon the merits of the Claim Petition before the Labour Court, which cannot be re-agitated before this Court in a writ petition.

7.However, on this technical ground, this Court is of the view that the monthly wage on which the back wages was calculated is also not reflected in the impugned order. Since the only ground raised by the Transport Corporation is only technical in nature and yet significant, in order to verify the calculation made, this Court is of the view that the Labour Court could be directed to furnish a detailed calculation memo as to on what basis, the computation of Rs.24,76,256.50 was made.



W.P.No.20109 of 2021

WEB COPY

8.The petitioner as well as the respondent would be at liberty to participate in the proceedings, while such details of calculation is made by the Labour Court.

9.For this limited purpose alone, the matter could be remitted back to the Labour Court.

10.In the light of the above observations and findings, no interference is required to the impugned order dated 18.06.2020 in C.P. No.21 of 2019.

11.Accordingly, the matter is remitted back to the Labour Court in the light of the findings rendered above and the Labour Court shall pass an order, which could be treated as an annexure to the impugned order dated 18.06.2020 passed in C.P. No.21 of 2019. While rendering such details of calculation, the Labour Court shall extend due opportunity to the Management Corporation as well as the concerned Workman. Such order shall be passed within a period of one month from the date of receipt of a copy of this order.



W.P.No.20109 of 2021

WEB COPY

12. After rendering of such calculation, the respondent would be at liberty to withdraw the amount that may have been deposited by the Management Corporation before the Labour Court and the Management shall also pay the remaining amount, computed under C.P. No.21 of 2019 to the respondent, within a period of two weeks from the date on which the Labour Court passes the aforesaid calculation. The writ petition stands disposed of accordingly. No costs. Consequently, connected W.M.Ps stand closed.

12.04.2023

Index: Yes/No

Neutral Citation: Yes/No

Speaking order/Non-speaking order
vga

To

The Presiding Officer,
I Additional Labour Court,
Chennai.



WEB COPY



W.P.No.20109 of 2021

M.S.RAMESH,J.

vga

**W.P.No.20109 of 2021 and W.M.P. Nos.
21383 of 2021, 16865 of 2022 & 3279 of 2023**

12.04.2023