



W.P.No.24341 of 2014

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.06.2023

CORAM :

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

W.P.No.24341 of 2014

and

M.P.Nos.1 of 2014 and 1 of 2015

The Management,
Represented by its General Manager,
Tamil Nadu State Transport Corporation
(Villupuram Division II Limited),
Rangapuram,
Vellore - 632 009.

... Petitioner

Vs.

1.K.Deenadayalan (Deceased)

2.The Presiding Officer,
Labour Court, Vellore.

3.D.Kokila

4.A.Devi

5.D.Jagadeesh Kumar

... Respondents



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Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari, to call for the records of the second respondent made in C.P.No.352 of 2013 dated 28.05.2014 and to quash the same as illegal and against the provisions of the Industrial Disputes Act, 1947.

For Petitioner : Mr.M.Aswin

For Respondents :

For R1, R3 to R5 : Mr.S.T.Varadarajulu

For R2 : Labour Court

ORDER

The petitioner challenges the order made in C.P.No.352 of 2013 dated 28.05.2014. C.P.No.352 of 2013 was filed under Section 33-C (2) of the Industrial Disputes Act, 1947.

2. The first respondent was terminated from service on 17.07.1995. He raised an Industrial Dispute in I.D.No.25 of 1996. The said industrial dispute ended in his favour and he was granted reinstatement with continuity of service together with all other attendant benefits by an order dated 25.09.2000. The said order was challenged in W.P.No.8522 of 2001. The said writ petition was partly allowed on 12.03.2010, reducing



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the back wages by 50%. With respect to all other benefits granted by the Labour Court, the writ petition stood dismissed.

3. Mr.M.Aswin, learned counsel for the petitioner would submit that they preferred a writ appeal against the order in the year 2012, but, till date, it has not seen the numbering stage at all.

4. In the mean while, the petitioner was reinstated in service on 15.02.2001. During the pendency of the writ petition due to an accident that had happened shortly thereafter and since the writ petition was pending, an approval petition was filed in A.P.No.176 of 2011 before the Special Deputy Commissioner of Labour, Chennai. The said approval petition was dismissed on 27.12.2012.

5. Challenging the non-approval, a writ petition was filed in W.P.No.28178 of 2013. The said writ petition was dismissed on 05.04.2022. The petitioner moved the Labour Court in C.P.No.352 of 2013 as the original proceedings had gone in his favour and no appeal had been filed as against that order. The said Computation Petition was



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ordered directing the petitioner to pay a sum of Rs.1,65,407/-. Pending the writ petition, the first respondent died on 25.07.2022 and the third to fifth respondents have been brought on record as the Legal Representatives.

6. Mr.M.Aswin, learned counsel for the petitioner would vehemently contend that during the relevant time, a writ appeal has been preferred and it was pending and therefore, the Computation Petition is not maintainable.

7. Apart from that, he also bring to the notice of this Court that the writ petition challenging the Approval Petition was also pending. Therefore, the Computation Petition ought not to have been taken on file.

8. Mr.S.T.Varadarajulu, learned counsel for the first, third to fifth respondents would very strenuously opposed this petition by saying that unless and until there is an order in favour of the petitioner, the first respondent is entitled to pay all the benefits.



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9. I have carefully considered the arguments on either side.

10. I necessarily have to come to the conclusion that this writ petition deserves to be dismissal.

11. The petitioner has not numbered the writ appeal against the order passed in W.P.No.8522 of 2001. The appeal is said to be filed in the year 2013. No appeal has been filed against the order passed in W.P.No.28178 of 2013.

12. Therefore, the petitioner deemed to be in service and would be entitled to all the benefits that accrued as per the Award of the Labour Court in I.D.No.25 of 1996 on the file of the Labour Court at Vellore.

13. Finally, I have no other option than to dismiss this writ petition. Consequently, this Writ Petition is dismissed. No costs. Connected Miscellaneous Petitions are closed.



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14. The petitioner is directed to disburse the amount of Rs.1,65,407/- and also the other terminal and attendant benefits to the third to fifth respondents, within a period of twelve (12) weeks from the date of receipt of a copy of this order.

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Index : Yes / No

Internet : Yes / No

Speaking Order/Non-Speaking Order

Neutral Citation : Yes / No

arb

To

The Presiding Officer,
Labour Court, Vellore.



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V.LAKSHMINARAYANAN, J.

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