



WEB COPY



W.P.No.26139 of 2022 & W.M.P. No.25222 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.10.2023

CORAM :

THE HONOURABLE MRS. JUSTICE R.HEMALATHA

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The Management
Tamil Nadu State Transport Corporation (Salem) Ltd.
Represented by its Managing Director,
Dharmapuri Region,
Bharathipuram,
Dharmapuri 636 705

... Petitioner

Vs.

M. Malik John
Respondent

...

Prayer : Writ Petition filed under Article 226 of the Constitution of India
praying to issue a Writ of Certiorari to call for the records pertaining to the
order dated 03.05.2021 in C.P. No.12/2015 passed by the Labour Court,
Salem and quash the same.

For Petitioner: Mr.D.Chandrasekaran
Special Government Pleader
Assisted by Mr.K.Raja, Standing Counsel

For Respondent: Mr.K.M. Ramesh, Senior Counsel
Assisted by Mr.V. Subramani



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ORDER

Challenging the orders dated 03.05.2021 of the Labour Court, Salem, in C.P. No.12/15, the present Writ Petition is filed.

2. The respondent Malik John was a driver with the petitioner Corporation and retired from service on 31.05.2015. He filed C.P.No.12/15 before the Labour Court, Salem, claiming a sum of Rs.55,871/- with interest as overtime allowance for having worked beyond the stipulated 8 hours per day for 168 days during the period 07.06.2011 and 31.05.2015. This claim for the overtime allowance was as per Section 54(1) the Tamil Nadu Industrial Disputes Rules, 1958.

3. The petition was resisted by the petitioner/Corporation stating that no employee was made to work for more than 8 hours in a day and if they had worked more than 8 hours per day or 48 hours per week they were given a compensatory off the very next day and also paid overtime which was calculated as per hour wages.



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4. The Labour Court, Salem, after hearing the counsels on both

sides and perusing the documentary evidence adduced on both sides was of the view that the petitioner Corporation did not substantiate their claim that the overtime was already paid then and there and immediately after the day when overtime was performed by the respondent. Therefore, the Labour Court had ordered for payment of Rs.55,871/- as Overtime Allowance with interest at 6% per annum which is disputed by the present petitioner.

5. On a perusal of the records available it is seen that the claim for overtime allowances for the said period was made as early as 17.02.2015 much before the date of his retirement i.e. on 31.05.2015 and only since it did not evoke any response, the respondent was constrained to approach the Labour Court, Salem. The petitioner Corporation had not adduced any valid documentary evidence to substantiate their claim that they have already paid the overtime allowance. This aspect has been clearly mentioned in the order of the Labour Court, Salem and therefore, I do not find any infirmity in the order.



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6. In the result, the Writ Petition is dismissed. No costs.

Consequently connected Writ Miscellaneous Petition is closed.

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bga

Index : yes/no

Speaking /Non speaking Order



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R.HEMALATHA, J.

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