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W.A. No.3380 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.12.2023

CORAM:

THE HONOURABLE MR. JUSTICE S. VAIDYANATHAN

and

THE HONOURABLE MR. JUSTICE K.RAJASEKAR

W.A.No.3380 of 2023 & C.M.P. No.27600 of 2023

The Management of Metropolitan
Transport Corporation (Chennai) Ltd.
Pallavan Illam
Pallavan Salai
Chennai 600 002

Appellant

v

M. Veerasamy

Respondent

Writ Appeal preferred under Clause 15 of the Letters Patent challenging
the order dated 28.04.2023 passed in W.P. No.22576 of 2019.

For appellant Mr. R. Ramanlaal
Addl. Adv. General
assisted by Mr. R. Balaji

For respondent Mr. N. Vanaraj

JUDGMENT

(delivered by S. VAIDYANATHAN, J.)

This writ appeal calls into question the legality and validity of the order
dated 28.04.2023 passed by a Single Bench in W.P. No.22576 of 2019.



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2 For the sake of convenience, the parties will be alluded to as per their rank in this writ appeal.

3 The brief facts giving rise to the institution of this writ appeal run thus:

3.1 The respondent workman, who joined the services of the appellant Corporation as a Driver on 01.07.1983, was dismissed from service on 24.02.1995. He challenged his dismissal before the II Additional Labour Court, Chennai, by filing I.D. No.54 of 1999, in which, *vide* award dated 10.11.2006, he was directed to be reinstated in service with 50% backwages and all other attendant benefits.

3.2 While the appellant Corporation preferred W.P. No.10321 of 2009 questioning the award of reinstatement passed in the industrial dispute, the respondent workman preferred W.P. No.7998 of 2010 claiming the remaining 50% backwages.

3.3 Both the writ petitions were dismissed by a Single Bench *vide* common order dated 20.02.2012, confirming the award passed in the industrial dispute.

3.4 On the strength of the order passed in W.P. No.7998 of 2010, the respondent workman filed a claim petition being C.P. No.485 of 2013 before



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the Presiding Officer, III Additional Labour Court, Chennai, under Section 33-C(2) of the Industrial Disputes Act, 1947, seeking computation of money value of benefits due to him at Rs.16,68,881/-, which was allowed *vide* order dated 26.02.2019.

3.5 Thereagainst, the appellant Corporation preferred a writ petition being W.P. No.22576 of 2019, wherein, the Single Bench, *vide* order dated 28.04.2023, confirming the order passed in the computation petition, dismissed the writ petition, challenging which, the Corporation has filed this writ appeal.

4 Today, when the matter was taken up for hearing, the learned counsel for the appellant Corporation submitted that the appellant Corporation is inclined to pay backwages of Rs.8,31,480/- and also pension of Rs.14,649/- as against Rs.3,050/- which is now received by the respondent workman.

5 For the sake of ready reference, the relevant portion from the memo filed by the learned counsel for the appellant Corporation is extracted below:

“Backwages: As directed in the writ petition comes to Rs.8,31,480/-

Pension is revised to Rs.14,649/- from Rs.3,464/- with effect from 01.01.2020.

The pension per month now is revised to Rs.14,649/- as against the pension now is receiving at Rs.3,050/-.”



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6 The learned counsel for the respondent workman is also agreeable to the aforesaid terms of the memo filed by the learned counsel for the appellant Corporation.

7 In view of the above, the appellant Corporation is directed to pay:

- i. backwages of Rs.8,31,480/- in full quit; and
- ii. arrears of pension @ Rs.14,649/- per month from January 2020 till November 2023 within a period of two months from the date of receipt of a copy of this judgment;

8 Further, though there is no whisper in the aforesaid memo as regards Gratuity, the same shall be paid for the entire service rendered by the respondent workman. Needless to state that pension from December 2023 shall be paid regularly.

This writ appeal stands disposed of on the above terms. Costs made easy. Connected C.M.P. is closed.

(S.V.N., J.) (K.R.S., J.)
11.12.2023

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