



W.P.(MD)No.8199 of 2018

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:23.02.2023

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.8199 of 2018

W.M.P(MD).Nos.7758 and 7759 of 2018

M.Suresh Subramanian

... Petitioner

Vs.

1.The Presiding Officer,
Labour Court, Tirunelveli.

2.The Management,
Tamil Nadu State Transport Corporation,
(Tirunelveli Limited),
Tirunelveli Division,
Tirunelveli-3.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the impugned order passed in C.P.No.3 of 2017 on the file of the first respondent dated 28.08.2017 and to quash the same as illegal and further direct the second respondent to disburse the overtime wages for 77 days worked by the petitioner from 17.01.2016 to 30.11.2016 to a sum of Rs.46,153.80/-.



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For Petitioner : Mr.K.R.Laxman
For Respondents : Mr.K.Sathiyasingh
for R2
R1-Court

ORDER

This Writ Petition has been filed to call for the records relating to the impugned order passed in C.P.No.3 of 2017, by the first respondent dated 28.08.2017, quash the same as illegal and direct the second respondent to disburse the overtime wages for 77 days worked by the petitioner from 17.01.2016 to 30.11.2016 to a sum of Rs.46,153.80/- (Rupees Forty Six Thousand One Hundred and Fifty Three Paise Eighty only).

2. The case of the petitioner is that the petitioner has worked overtime in driving the bus of the second respondent herein for which he has not been paid with the said overtime wages. Hence, the petitioner has filed a Claim Petition in C.P.No.3 of 2017 before the first respondent. However, the first respondent has rejected the claim petition of the



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petitioner. Challenging the same, the present Writ Petition has been filed.

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3. The learned counsel appearing for the petitioner would submit that the first respondent has erred in relying on few irrelevant reported judgments and therefore, the petitioner himself has not proved his claim. The petitioner has filed his necessary documents to establish his claim. Relying those citations, the claim of the petitioner has been rejected which is not sustainable one. Further, the first respondent has improperly curtailed its jurisdiction on the disputed question of fact and has legitimate duty to probe into the disputed question of facts. Without considering the facts and circumstances of the case and the documents produced by the petitioner, the first respondent has rejected the claim petition of the petitioner. Accordingly, he prays for passing appropriate orders.

4. Per contra, the learned counsel appearing for the second respondent would submit that the petitioner has made a claim that he has worked overtime in the second respondent Corporation and hence, the



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duty is cast on him to prove the said fact before the Labour Court by adducing the documents. Except time chart and ticket particulars, no other document is produced before the Labour Court. In the absence of any material, the Labour Court has rightly rejected the claim of the petitioner.

5. Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the second respondent.

6. The petitioner claims that he has worked overtime in driving the bus of the second respondent for which he has not been paid with the wages. Hence, he has made a claim petition before the first respondent and the first respondent rejected the claim petition of the petitioner. A perusal of the impugned order passed by the Labour Court on 28.08.2017 reveals that except few documents with regard to time chart and ticket particulars, no other document has been produced to prove the fact that the petitioner has worked overtime in driving the bus of the second respondent herein. Hence, unless the petitioner proves that he has worked



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overtime in driving the bus of the second respondent, this Court cannot interfere with the decision of the fact-finding Authority.

7. Accordingly, this Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

23.02.2023

ssb
NCC:Yes/No
Index:Yes/No
Internet:Yes/No

To
1.The Presiding Officer,
Labour Court, Tirunelveli.

2.The Management,
Tamil Nadu State Transport Corporation,
(Tirunelveli Limited),
Tirunelveli Division,
Tirunelveli-3.



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M.DHANDAPANI,J.

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