



W.A(MD) No.55 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.01.2023

CORAM:

**THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR
and
THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR**

**W.A.(MD) No.55 of 2023
and C.M.P.(MD)No.610 of 2023**

The Management,
Tamil Nadu State Transport Corporation
(Madurai) Ltd.,
Madurai Region,
Bye-pass Road,
Madurai – 625 010.

... Appellant

-VS-

1.The Special Deputy Commissioner of Labour,
O/o. Commissioner of Labour,
Teynampet,
Chennai – 600 006.

2.K.Kannan

... Respondents

PRAYER: Writ Appeal filed under Section 15 of Letters Patent against
the order dated 08.09.2022 made in W.P.(MD)No.23580 of 2018.

For Appellant : Mr.S.C.Herold Singh

For Respondents : Mr.Ajaikose,
for Mr.A.K.Thangavelu for R2



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JUDGMENT

(Judgment of the Court was delivered by **D.KRISHNAKUMAR, J.**)

Challenging the order dated 08.09.2022 made in W.P.(MD)No. 23580 of 2018, the appellant has come forward with this writ appeal.

2. The learned counsel appearing for the appellant submitted that the present Writ Appeal has been filed by the appellant-Corporation, challenging the order of the Writ Court by directing the appellant Corporation to pay wages, provident fund dues and gratuity to the second respondent. He further submitted that in respect of the payments of gratuity and provident funds are concerned, the same will be settled to the second respondent. However, insofar as the payment of wages is concerned, it would cause prejudice to the appellant Corporation, since if the order has been confirmed as against the second respondent, they could not be able to recover the said amount from the second respondent. Hence, he prays for appropriate orders.



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3. The learned counsel appearing for the second respondent has fairly submitted that the second respondent attained the age of superannuation on 31.05.2015. He further submitted that this Court may direct the appellant- Corporation to comply with the order passed by the Writ court in respect of the provident fund dues and gratuity. Insofar as the wages is concerned, this Court may direct the appellant Corporation to decide the same subject to the outcome of the final order passed by the first respondent.

4. In view of the aforesaid submissions made by both parties, this Court is inclined to interfere with the order passed by the writ Court in respect of payment of wages is concerned. In respect of provident fund dues and gratuity are concerned, the order of the Writ Court is confirmed.

5. Accordingly, the precondition imposed in Clause 1 of paragraph of 4 the writ Court viz., wages payable to the workman from the date of dismissal till the date when he attained the age of superannuation i.e., on 31.05.2015, is quashed. In sofaras Clauses II and III are concerned, viz., provident fund dues and gratuity, we direct the appellant Corporation to comply with the order of the writ Court within the stipulated period.



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6. With the above modification, this Writ Appeal is partly allowed.

No costs. Consequently, connected miscellaneous petition is closed.

[D.K.K., J.]

[R.V., J.]

24.01.2023

NCC : Yes / No

Index : Yes / No

vsm



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To

The Special Deputy Commissioner of Labour,
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