



W.A.(MD)No.66 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.01.2023

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

AND

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.A.(MD)No.66 of 2023

and

C.M.P.(MD)No.760 of 2023

1.The Management of Tamil Nadu State

Transport Corporation Ltd.,

Rep. by its Managing Director,

Bye-Pass Road, Madurai-625 016.

2.The General Manager,

Tamil Nadu State Transport Corporation Ltd.,

Madurai Region, Bye Pass Road,

Madurai-625 016.

3.The Administrator,

Tamil Nadu State Transport Corporation,

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Employees Pension Fund Trust, Thiruvalluvar Illam,

Pallavan Salai, Chennai-600 002.

... Appellants / Respondents

-Vs-

K.Kannan

... Respondent / Petitioner

PRAYER: Appeal filed under Clause 15 of Letters Patent, praying this Court to set aside the order dated 08.09.2022 made in W.P.(MD)No.25021 of 2018 on the file of this Court.

For Appellants : Mr.S.C.Herold Singh

For Respondent : Mr.A.K.Thangavelu

JUDGMENT

[Judgment of the Court was delivered by D.KRISHNAKUMAR, J.]

The order of the Writ Court dated 08.09.2022 made in W.P.(MD)No.25021 of 2018, directing the appellant Corporation to pay wages, provident fund dues and gratuity to the respondent, is under challenge in this Writ Appeal.

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2.The learned counsel appearing for the appellants submitted that in respect of the payments of gratuity and provident funds are concerned, the same will be settled to the 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 respondent, they could not be able to recover the said amount from the respondent. Hence, he prays for appropriate orders.

3.The learned counsel appearing for the respondent has fairly 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 and 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 Special Deputy Commissioner of Labour.

4.Heard the learned counsel on either side and perused the materials available on record carefully.

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5. In view of the aforesaid submissions made by both the parties, we are inclined to interfere with the order passed by the Writ Court in respect of payment of wages alone and in respect of provident fund dues and gratuity, the order of the Writ Court is confirmed. 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, is set aside and insofar as Clauses II and III are concerned, viz., provident fund dues and gratuity, we direct the appellant Corporation to comply with the order passed by the Writ Court within the stipulated period.

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.]
25.01.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
MYR

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