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W.A. No.396 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.02.2024

CORAM:

THE HONOURABLE MR. JUSTICE S. VAIDYANATHAN
and
THE HONOURABLE MR. JUSTICE K.RAJASEKAR

W.A. No.396 of 2024 & C.M.P. No.2663 of 2024

The Branch Manager
Tamil Nadu State Transport Corporation
Puducherry

Appellant

v

1 The Presiding Officer
Labour Court at Puducherry

2 K. Muruganantham

Respondents

Writ Appeal filed under Clause 15 of the Letters Patent challenging the order dated 25.04.2023 passed in W.P. No.13951 of 2016.

For appellant Mrs. Pavithra
for Mr. M. Aswin

R1 Labour Court

R2 Mr. W.M. Abdul Majeed
for Mr. B. Balavijayan

JUDGMENT

(delivered by S. VAIDYANATHAN, J.)

This writ appeal is filed questioning the legality and validity of the order dated 25.04.2023 passed in W.P. No.13951 of 2016.



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2 For the sake of better clarity and appreciation, the appellant, the first respondent and the second respondent will be alluded to as the Management, Labour Court and workman, respectively.

3 The brief facts leading to the institution of this writ appeal are as under:

3.1 The workman, based on certain proven charges, was inflicted with a punishment of reduction of salary for 3 years by the Management *vide* order dated 05.03.2001. In W.P. No.7761 of 2001 filed by the workman challenging the said punishment, the impugned order was set aside *vide* order dated 05.08.2009. As a consequence, the Management, *vide* letter dated 13.10.2009, cancelled the punishment order. Yet, the order cancelling the punishment was not implemented, as a result of which, the workman was paid salary in accordance with the original punishment order till August 2011.

3.2 Hence, the workman filed a claim petition in C.P. No.7 of 2011 under Section 33(C)(2) of the Industrial Disputes Act, 1947, before the Labour Court, which was allowed *vide* order dated 12.04.2014 with a direction to pay a sum of Rs.2,54,565/-, after deducting GPF contribution, together with interest @ 6% p.a., besides ordering costs of Rs.10,000/- payable to the workman.



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3.3 The said order of the Labour Court was put to challenge in W.P.No.13951 of 2016, which, *vide* order dated 25.04.2023 passed by the Single Bench, was dismissed with a direction to the Management to disburse the entire amount of arrears as ordered by the Labour Court, after deductions, if any, to be made.

3.4 The aforesaid order dated 25.04.2023 passed by the Single Bench is questioned in this writ appeal by the Management.

4 Heard the learned counsel for the parties and perused the materials available on record.

5 The main contention of the Management is that the entire salary fixation has been restored and the workman was paid Rs.76,866.55 and the determination of Rs.2,54,565/- by the Labour Court in the claim petition is perverse as it is sans any basis and not based on any evidence and hence, the same requires to be interfered with.

6 It is to be noted that the factum that the workman is entitled to Rs.76,866.55 is admitted by M.W.1. The Labour Court, after taking note of the oral and documentary evidence tendered, has determined the amount payable to the workman by the Management and pursuant to the order passed



by this Court in the writ petition, the Management has deposited a sum of Rs.1.50 lakhs before the Labour Court, which was withdrawn by the workman with accrued interest.

7 Now, the workman has filed a counter affidavit before this Court stating that Management is liable to pay him a sum of Rs.4,54,889/- (-) the amount already withdrawn by him, which was deposited before the Labour Court, which works out to Rs.2,17,242/-.

8 On 24.01.2024, when this matter was taken up for hearing, this Court made a suggestion to the workman if he could accept a sum of Rs.1.50 lakhs in full quit so that the issue can be given a quietus to.

9 Today, Mrs. Pavithra, learned Standing Counsel for the Management submitted that as there is an erroneous determination by the Labour Court, payment of any amount over and above Rs.76,866.55 is tantamount to bonus to the workman.

10 It is noteworthy that the Labour Court has rendered a finding of fact, which cannot be re-appreciated by this Court. However, it is equally noteworthy that the Management was facing financial doldrums during the period COVID-19 struck. Hence, though normally, this Court will not



interfere with the award of costs, in this case, in view of the aforesaid scenario, the imposition of costs of Rs.10,000/- payable to the workman by the Management, ordered by the Labour Court and confirmed by the Single Bench, is set aside.

11 Further, since the balance sum of Rs.1,04,565/- [*Rs.2,54,565/- computed by the Labour Court (less) Rs.1,50,000/- withdrawn by the workman*] needs to be paid and the workman is now willing to accept Rs.1,00,000/- which is the principal amount based on the determination made by the Labour Court in the claim petition, we expect the management to make a settlement of Rs.1 lakh to the workman, which will be in full and final quit towards settlement of the amount computed by the Labour Court in the claim petition, within a period of one month from the date of receipt of a copy of this judgment.

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

(S.V.N., J.) (K.R.S., J.)
02.02.2024

cad
To
The Presiding Officer
Industrial Tribunal-cum-Labour Court
Puducherry



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S. VAIDYANATHAN, J.
and
K. RAJASEKAR., J.

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