



W.P.No.7156 of 2006

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.12.2024

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.7156 of 2006
and W.M.P.No.7833 of 2006

THE MANAGEMENT OF TAMIL NADU
STATE TRANSPORT CORPORATION LTD.,
REP. BY ITS MANAGING DIRECTOR,
KUMBAKONAM. .. Petitioner

Versus

1. THE PRESIDING OFFICER,
LABOUR COURT, CUDDALORE.

2.S.KUMARAVEL
3.K.GOWTHAMAN
4.K.BOOPALAN
5.R.PARIMALADOSS
6.G.MANOHARAN
7.V.SELVAKANI
8.N.PITCHAIMUTHU
9.S.DURAIRAJ
10.R.RAJENDRAN
11.A.SHANMUGAM
12.S.SELVARAJAN
13.S.SHANMUGAM
14.V.MANIKKAM
15.T.MOHAN
16.S.SIVAKUMAR
17.A.ALBERT
18.R.DILIP KUMAR
19.A.KALIAMOORTHY



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- 20.A.BABURASAN
- 21.S.GOVINDARASAN
- 22.T.THEYAGARAJAN
- 23.A.SASIRASAN
- 24.P.DHARMARAJ
- 25.R.ILANGO VAN
- 26.V.SELVARAJ
- 27.G.MANIKKAM
- 28.K.KAILASAM
- 29.R.MURUGANANDAM
- 30.M.S.MANI
- 31.K.PALANIVELU
- 32.M.RAMESH
- 33.K.K.G.BALAKRISHNAN
- 34.R.BALASUBRAMANIAN
- 35.R.MANI
- 36.P.SUBRAMANIAN
- 37.P.SHANMUGANATHAN
- 38.T.K.PALANIVELU
- 39.P.MAHALINGAM
- 40.K.ILANGO
- 41.J.SAMUVEL SELLIAH
- 42.M.SOWRIRAJAN
- 43.S.VUTHAANDI
- 44.M.LOGANATHAN
- 45.K.MEGANATHAN
- 46.M.RAMAIYAN
- 47.A.RAJENDRAN
- 48.S.PANDARINATHAN
- 49.T.NATARAJAN
- 50.C.ANANDAN
- 51.S.RAJAMOHAN
- 52.G.RAJADURAI
- 53.P.GANESAN
- 54.S.KARTHIKESAN
- 55.M.MAYAKRISHNAN
- 56.G.THAVAMANI
- 57.T.GUNASEELAN



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WEB CO

- 58.S.JEYACHANDRAN
- 59.G.DURAIRAJ
- 60.S.SETHURAMAN
- 61.V.BALACHANDRAN
- 62.T.DEVIRAJ
- 63.C.NARAYANASAMY
- 64.P.VISWANATHAN
- 65.S.VEDARATHINAM
- 66.V.MARUTHAVAANAN
- 67.K.ILANGO VAN
- 68.J.BALASAGAYARAJ
- 69.G.BASKARAN
- 70.R.GUNASEKARAN
- 71.R.NAGAPPAN
- 72.S.NARAYANSAMY
- 73.T.JEYABALAN
- 74.K.MEGANATHAN
- 75.R.P.MANI
- 76.A.KALIAMOORTHY
- 77.C.RAJADURAI
- 78.T.MOHAN
- 79.G.MANO HARAN
- 80.K.CHELLAKANNU
- 81.P.RAJU
- 82.K.PARANJOTHI
- 83.C.SUBRAMANIAN
- 84.K.ASAITHAMBI
- 85.K.KUPPUSAMY
- 86.N.KANNUSAMY
- 87.K.VEERSUNDARAM
- 88.S.MATHIYALAGAN
- 89.K.SAMIKANNU
- 90.S.NAGAJOTHI
- 91.S.SOMAIYYAN
- 92.R.DEVARASAN
- 93.V.KASINATHAN
- 94.R.PURUSHOTHAMAN
- 95.T.KANNAPAN



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- 96.R.RAJENDRAN
97.M.SAMAYANATHAN
98.L.SEKAR
99.T.MURUGESAN
100.K.RAMANATHAN
101.T.ANBALAGAN
102.R.VASUDEVAN
103.P.BALASUBRAMANIAN
104.T.SIVAPUNNIYAM
105.A.PANNEERSELVAM
106.R.JOTHILINGAM
107.K.VENKATESAN
108.S.MUTHUTHAMILARASAN
109.K.RENGAN
110.K.SENTHAMILSELVAN
111.M.DURASAMY
112.M.RAJALINGAM
113.R.DURAIKANNU
114.M.ANANDARAJ
115.P.SAKTHIVEL
116.V.DHARMASEELAN
117.G.MADHAVAN
118.K.MANI
119.T.MURUGANANDHAM
120.P.BALAKRISHNAN
121.A.ILAVARASAN
122.G.SUBRAMANIAN
123.V.RASAMANICKAM
124.P.RAJENDRAN
125.S.BALU
126.R.BALASUBRAMANIAN
127.K.ILAYADURAI
128.K.ASHOKAN
129.K.MANI
130.K.RADHAKRISHNAN
131.L.THIRUNAVUKARASU
132.A.MURUGESAN
133.J.ADHIKESAVAN



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WEB COURT

- 134.R.CHANDRASEKARAN
- 135.M.KALIAMOORTHY
- 136.T.RAJENDRAN
- 137.M.MATHIVANAN
- 138.A.K.BALAI AH
- 139.S.SEKAR
- 140.R.SAMBANDHAM
- 141.M.KAMARAJ
- 142.T.RAVICHANDRAN
- 143.T.MANO HARAN
- 144.R.DHATCHINAMOORTHY
- 145.T.DURAIRAJ
- 146.M.SELVAMANI
- 147.V.NAGESH
- 148.K.ADAIKALAM
- 149.L.RAJENDRAN
- 150.S.VIJAYAN
- 151.K.MANI
- 152.K.SUBRAMANAIAN
- 153.C.KUMARAN
- 154.S.MURUGANANDHAM
- 155.A.PALRAJ
- 156.M.MARUTHU
- 157.T.UTHAMANATHAN
- 158.P.BALAKRISHNAN
- 159.N.RAMANATHAN
- 160.A.PICHAIMUTHU
- 161.A.GOVINDARASAN
- 162.P.KAMARAJ
- 163.N.ULAGANATHAN
- 164.A.ANBALAGAN
- 165.S.ILANGO
- 166.A.ULAGANATHAN
- 167.S.RAJENDRAN
- 168.P.KAMARAJ
- 169.R.DURAISAMY
- 170.J.JOTHIMOORTHY
- 171.T.SIVAKUMAR



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- 172.G.PRABHAKARAN
173.K.MATHIALAGAN
174.N.S.DURAIRAJ
175.T.KUNJUPILLAI
176.S.RAMADOSS
177.M.GUNASEKARAN
178.I.PANNEERSELVAM
179.S.MANIMARAN
180.K.MURUGESAN
181.T.THAMILARASAN
182.P.RAMALINGAM
183.S.K.SEKAR
184.V.PANDIDURAI
185.M.THANGARASU
186.V.SADHASIVAM
187.S.ANBALAGAN
188.G.SELVARAJ
189.M.UTHIRAPATHI
190.S.ALAGESAN
191.V.CHINNADURI
192.G.SRINIVASAN
193.G.VADIVEL
194.S.ILANGO VAN
195.N.RAVINDRAN
196.S.SAMPATH KUMAR
197.S.JEYARAMAN
198.T.SAKTHIVEL
199.A.SAIMANRAJ
200.M.AROKIARAJ
201.A.MANO HARAN
202.C.RAJENDRAN
203.S.RANGASAMY
204.M.SELVARAJ
205.U.GUNASEKARAN
206.V.KALIDOSS
207.V.KANNADASAN
208.G.GAJENDRAN
209.A.S.RAJENDRAN



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210.R.BALASUNDARAN

211.G.RAJAMANIKKAM

212.K.SAMIDURAI

213.T.VISWANATHAN

214.G.KAMARAJ

215.K.SATHUVARAO

.. Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, pleased to issue a Writ of Certiorari, calling for the records of the 1st respondent in C.P.No.317 of 2000, dated 11.10.2004, quash the same.

For Petitioner : Mr.C.Senapathi

For Respondents : R1 - Labour Court

: Notice serviced for RR-2, 3, 64,
65, 67, 68, 69, 71 and 194

: Not ready in notice for RR-4 to
63, 66, 70, 72 to 193, 195 to 215

ORDER

This Writ Petition is filed by the petitioner management challenging the order passed in C.P.No.317 of 2000, dated 11.10.2004. By the said order, the Claim Petition filed by the 214 workmen of the petitioner management was allowed by computing the balance 50% of the wages during their suspension period and each of the respondents were awarded



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the sum of Rs.13,000/-, Rs.9,000/- or the case may be. Aggrieved by the same, the present Writ Petition is filed.

2. *Mr.C.Senapathi*, learned Counsel for the petitioner management would submit that firstly, the filing of the Claim Petition straightaway without approaching the Labour Court for adjudicating their entitlement is erroneous in law and therefore, the Labour Court ought not to have entertained the Computation Petition and the Writ Petition is liable to be allowed.

3. It is his second contention that when the suspension order was revoked and all these workmen were reinstated into service, the management specifically passed an order that in view of the workmen not being on duty in the dates, invoking the principles of 'No Work No Pay', except for the 50% of subsistence allowance already paid, the balance payment need not be made and it will be treated as 'No Work No Pay' only. In the absence of the challenge to the said order, the Labour Court ought not to have allowed the Computation Petition.



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4. There is no representation on behalf of the learned Counsel for the workmen.

5. I have considered the submissions made by the learned Counsel for the petitioner and perused the material records of the case.

6. Firstly, it can be seen that the respondents indulged in a strike and they were all arrested and released on the next day. After being released, they were all placed under suspension. The dispute between the workmen and the management came to be resolved without any Disciplinary Proceedings and the same is recorded by this Court by the order, dated 09.12.1998 in W.P.No.16211 of 1998 etc., and it is essential to extract the order which reads as follows:-

"It is agreed by both counsel as follows:-

Subject to the writ petitioners giving a letter to the Corporation stating that on account of the happenings on the 9th and the 10th of September, 1998 if any inconvenience had been caused to the travelling public, it is regretted, the writ petitioners will be reinstated with all attendant benefits. All proceedings against them including criminal proceedings will be dropped. The writ petition is ordered accordingly. There will be no order as to costs.

2. In view of the order passed in the main writ petition, no further orders are necessary in the writ miscellaneous petitions."



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Therefore, it can be seen that the workmen will be reinstated with all attendant benefits.

7. The proceedings, including the criminal proceedings, against them were also agreed to be dropped. Once the workmen are placed under suspension and the proceedings are dropped and they are reinstated, then, it is automatic that the wages for the said period be paid. Whenever an employee is placed under suspension, normally, subsistence allowance is paid. With reference to the payment of the balance amount is concerned, the same would be dependent on the outcome of the Disciplinary Proceedings and treating the period of the suspension.

8. In the instant case, it was agreed that no Disciplinary Proceedings will be initiated against them. Therefore, automatically, they are entitled to the balance payment of 50% of salary during the respective period by virtue of the relevant Service Rules itself. This apart, their right also further got crystalised by the order in the above Writ Petition which states that the writ petitioner will be reinstated with all the attendant benefits. Therefore, it is too late in the day for the petitioner management to contend that the



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workmen should approach the Labour Court for adjudication as the rights of the workmen got crystalised firstly under the Service Rules and secondly, by the order in the above Writ Petition.

9. In view thereof, finding no merits, this Writ Petition stands dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

09.12.2024

Neutral Citation : no
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To

THE PRESIDING OFFICER,
LABOUR COURT, CUDDALORE.



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D.BHARATHA CHAKRAVARTHY, J.

grs

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