



WEB COPY



W.P.No.26166 of 2011

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.09.2024

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THE HONOURABLE Ms.JUSTICE R.N.MANJULA

W.P. No.26166 of 2011

and

W.M.P.No.7005 of 2011, M.P.Nos.1 of 2011, 1 of 2012 and 1 of 2015

The Management,
State Express Transport Corporation Tamil Nadu Ltd.,
Pallavan Salai,
Chennai – 600 002. ... Petitioner

/vs/

1. K.Arumugam
2. The Presiding Officer,
II Additional Labour Court,
Chennai. ... Respondents

Writ Petition is filed under Article 226 of the Constitution of India to issue a writ of certiorari to call for the records in C.P.No.277/2011 dated 12.08.2011 on the file of the Presiding Officer, II Additional Labour Court, Chennai / Second respondent herein and quash the same.

For Petitioner ... Mr.K.Kathiresan

For R1 ... Mr.J.Saravanel
R2 ... Labour Court



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ORDER

WEB COPY This writ petition has been filed challenging the award of the Presiding Officer, II Additional Labour Court, Chennai / Second respondent in C.P.No.277/2011 dated 12.08.2011.

2. The above Computation Petition has been filed by the first respondent in pursuant to the award passed in his favour in I.D.No.22 of 1998 on 13.12.2007. In an Industrial Dispute raised by the first respondent, an award came to be passed for reinstatement along with full back wages and all other benefits. In fact on 18.02.2014 this Court has passed the following order:

“ 5. Considering the above facts and taking note of the earlier direction issued by the Court directing the Labour Court to compute wages and the petitioner being out of employment since 1995, interest of justice would require that the petitioner should be put on certain terms. Accordingly, the order of interim stay already granted is modified with a direction to the petitioner / Management to deposit 50% of the amount computed by the Labour Court to the credit of C.P.No.277 of 2011 on the file of the II Additional Labour Court, Chennai / second respondent, within a period of six weeks from the date of receipt of a copy of this order. On such deposit, the



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workman will be entitled to withdraw the same by filing proper application before the Labour Court.”

3. As per the above order it is claimed by the petitioner that they deposited 50% of the award amount as computed by Labour Court in C.P.No.277 of 2011. However the records does not show whether the petitioner has complied the above condition.

4. Mr.K.Kathiresan, the learned counsel for the petitioner, submitted that when the first respondent was reinstated, certain amount has been paid towards back wages and that has to be appropriated towards the award passed by the Labour Court.

5. If the amount paid by the petitioner Management to the first respondent towards back wages, no doubt the above amount will be appropriated against the award made in the Computation Petition. But the petitioner did not file any calculation statement to show that the entire award amount has been settled or that the computation of the Labour Court in respect of the back wages and consequential determination of the



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amount in the impugned award, is incorrect. In the absence of any materials, I do not find any grounds to allow the writ petition.

6. Accordingly, this Writ Petition is dismissed. No costs. Connected miscellaneous petitions are closed.

20.09.2024

Index: Yes / No
Speaking order / Non-speaking order
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To:
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The Presiding Officer,
II Additional Labour Court,
Chennai.



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R.N.MANJULA ,J.

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