



W.P. No.29783 of 2015

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.09.2024

CORAM

THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P. No.29783 of 2015

D.Panneer

... Petitioner

Vs.

1.The Management,
Represented by the Branch Manager,
Poonamallee Depot,
Metropolitan Transport Corporation (Chennai) Ltd.,
Pallavan Salai, Chennai-2.

2.The Presiding Officer,
Principal Labour Court,
Chennai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus calling for the records pertaining to award dated 15.04.2008 passed by the 2nd Respondent in I.D.No.266 of 2004, quash the same insofar as depriving the petitioner backwages and other attendant benefits and consequently direct the 1st Respondent to pay the petitioner backwages and other attendant benefits for the period from the date of his dismissal to the date of his superannuation, award costs.

For Petitioner	: Ms.V.Porkodi for Mr.R.Krishnaswamy
For Respondent 1	: Mr.C.Gouthamaraj
For Respondent 2	: Labour Court



W.P. No.29783 of 2015

WEB COPY

ORDER

This writ petition has been filed seeking for a writ of certiorarified mandamus calling for the records pertaining to the award dated 15.04.2008 passed by the Labour Court in I.D.No.266 of 2004 and to quash the same insofar as denying the backwages and other attendant benefits to the petitioner.

2. The said award was passed as early as on 15.04.2008, however this writ petition came to be filed only in the year 2015. Absolutely there is no explanation offered by the petitioner for the abnormal delay of 7 years in approaching this Court. Be that as it may, the learned Labour Court having taken note of the fact that there was no pleadings in the claim made before it about the backwages and about alternative employment of the petitioner and no material is also placed before this Court for deciding the said aspect, held as under:

“8. The petitioner has neither pleaded nor averred that he has not been gainfully employed from the date of dismissal and therefore he is not entitled to back wages. The petitioner has already attained the age of superannuation as could be seen from the age mentioned in the statement attached to the basic report Ex.M.1. Therefore, the question of reinstatement does not arise. For the aforesaid reasons, the petitioner is entitled to retiral and pensionary benefits and these points are answered accordingly.”



W.P. No.29783 of 2015

WEB COPY

3. Though various grounds were raised in the writ petition, there was no material placed before this Court in support of the claim made by the petitioner for backwages. Further, the petitioner has accepted the award passed by the Labour Court and had also availed the benefit that would flow from the said award passed, by approaching the Respondent Corporation and it is only when the claim of monthly pension was rejected, the petitioner filed the present writ petition claiming backwages.

4. In the circumstances, this Court does not find any bonafide in filing the writ petition for claim of backwages and also for want of reasonable explanation for the abnormal delay of 7 years in filing the writ petition, the writ petition is dismissed. No costs.

13.09.2024

Speaking (or) Non Speaking Order

Index : Yes/ No

Neutral Citation: Yes/No

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MUMMINENI SUDHEER KUMAR, J.

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W.P. No.29783 of 2015

WEB COPY

To:

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Management, Poonamallee Depot,
Metropolitan Transport Corporation (Chennai) Ltd.,
Pallavan Salai, Chennai-2.

2.The Presiding Officer,
Principal Labour Court,
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(2/2)