



W.P.No.8614 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.04.2024

CORAM :

THE HONOURABLE **DR. JUSTICE D.NAGARJUN**

W.P.No.8614 of 2024
and
W.M.P.No.9580 of 2024

The Management of Tamil nadu
State Transport Corporation,
Villupuram Division,
Villupuram.- 605 602.

...Petitioner

Vs.

A.Murugan

...Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India
praying to issue a writ of certiorari to call for the records relating to the order
passed in E.P.No.9 of 2013 in C.P.No.45 of 2012 dated 06.12.2021 on the
file of the Presiding Officer, Labour Court, Cuddalore.

For petitioner : Mr.T.Chandrasekaran



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ORDER

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This writ petition is filed seeking to quash the order passed in E.P.No.9 of 2013 in C.P.No.45 of 2012 dated 06.12.2021 by way of issuance of writ of certiorari.

2. The learned counsel for the petitioner Corporation submitted that the respondent/workman raised industrial dispute against the petitioner Corporation in I.D.No.93 of 2001 before the Labour Court, Cuddalore, seeking for reinstatement, continuity of service, back wages and other attendant benefits. The said award was passed in the I.D. on 23.08.2011 directing the petitioner Corporation to reinstate the respondent/workman with continuity of service and other relief's were negated. The petitioner Corporation filed W.P.No.28519 of 2012 and the same was dismissed on 18.10.2012. Aggrieved by the same, the petitioner Corporation preferred writ appeal. In the mean while the respondent/workman filed C.P.No.45 of 2012 claiming Rs.17,504/- per month for the period between 21.12.2011 to 20.07.2012 in toto Rs.1,19,378/- and the said C.P. was allowed and accordingly the relief sought for by the respondent/workman was granted by



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the Labour Court by order dated 10.06.2013. Aggrieved by the orders passed in C.P.No.45 of 2012 the petitioner Corporation filed W.P.No.34084 of 2013, wherein this Court granted conditional stay order to deposit 50% of award on 18.12.2023. A sum of Rs.60,064/- was deposited on 18.01.2014 and the said writ petition was dismissed on 11.04.2016. The balance amount of Rs.59,314/- was not deposited before the Labour Court. In the mean while the petitioner Corporation preferred writ appeal No.893 of 2016 against I.D.No.93 of 2001 and the same was dismissed on 14.10.2019. Further, the petitioner Corporation preferred SLP (Civil) No.26916 of 2019 and the same was also dismissed on 22.11.2019. While so, the respondent/workman filed E.P.No.9 of 2013 in C.P.No.45 of 2012 seeking to recover the amount as per the award dated 06.12.2021 in C.P.No.45 of 2012 . The attachment order was passed in E.P.No.9 of 2013, by ordering attachment of sum of Rs.36,466/- from the account maintained by the petitioner Corporation management in State Bank of India, Villupuram, *vide* account No.11053403712.



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3. The learned counsel for the petitioner Corporation further submits that while calculating the E.P. amount the petitioner Corporation has also included the deduction made towards P.F. to a tune of Rs.11,065/- and submitted that the petitioner Corporation has to pay only Rs.23,597/- and thereby, attachment orders are incorrect.

4. The learned counsel for the respondent/workman submits that the E.P. Amount claimed by the respondent/workman as per the award passed in C.P.No.45 of 2012, the petitioner Corporation cannot question the amount mentioned in the attachment order. P.F. amount appears to have been included in the C.P.No.45 of 2012. However, the orders in C.P.No.45 of 2012 dated 06.12.2021 have become final and now the petitioner Corporation management cannot question the attachment order made by the Labour Court as per the award passed in C.P.No.45 of 2012 .

5. This writ petition has been filed challenging the attachment orders issued in E.P.No.9 of 2013 in C.P.No.45 of 2012 dated 06.12.2021. In order to sustain this writ petition the petitioner Corporation management



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is expected to put forth the grounds under which he is questioning the orders of attachment. When the orders of attachment have been passed, this writ petition questioning the attachment orders without any grounds will not sustain.

6. Accordingly, the petitioner Corporation suffers and this writ petition is dismissed at the admission stage itself. Connected W.M.P. is closed. No costs.

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Index : Yes/No

Internet : Yes/No

Citation : Yes/No



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