



W.P.No.8615 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.04.2024

CORAM :

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

W.P.No.8615 of 2024
and
W.M.P.No.9583 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.36 of 2014 in C.P.No.17 of 2013 dated 06.12.2021 on the file of the Presiding Officer, Labour Court, Cuddalore.

For petitioner : Mr.T.Chandrasekaran



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W.P.No.8615 of 2024

ORDER

This writ petition is filed seeking to quash the order passed in E.P.No.36 of 2014 in C.P.No.17 of 201 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 reliefs 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.17 of 2013 claiming Rs.17,504/- per month for the period between 21.07.2012 to



W.P.No.8615 of 2024

20.06.2013 in toto Rs.2,21,400/- and the said C.P. was allowed by way of order dated 10.06.2014, accordingly the relief sought for by the respondent/workman was granted by the Labour Court by order dated 10.06.2014. Aggrieved by the orders passed on, th in C.P.No.17 of 2013 the petitioner Corporation filed W.P.No.30697 of 2014 and the same was dismissed on 14.10.2009. 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.36 of 2014 in C.P.No.17 of 2013 seeking to recover the amount as per the award dated 06.12.2021 in C.P.No.17 of 2013 . The attachment order was passed in E.P.No.36 of 2014 attachment of sum of Rs.78,968/- from the account maintained by the petitioner Corporation management in Indian Bank, Villupuram, *vide* account No.CA.447678397.

3. The learned counsel for the petitioner Corporation further submits that while calculating the E.P. amount the petitioner Corporation has



W.P.No.8615 of 2024

also included the deduction made towards P.F. to a tune of Rs.18,883/- and submitted that the petitioner Corporation has to pay only Rs.42,432/- 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.17 of 2013 , 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.17 of 2013 . However, the orders in C.P.No.17 of 2013 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.17 of 2013 .

5. This writ petition has been filed challenging the attachment orders issued in E.P.No.36 of 2017 in C.P.No.17 of 2013 dated 06.12.2021. In order to sustain this writ petition the petitioner Corporation management 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



W.P.No.8615 of 2024

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.

02.04.2024

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Index	:	Yes/No
Citation	:	Yes/No



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W.P.No.8615 of 2024

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Vca

W.P.No.8615 of 2024

02.04.2024

Page No.6 of 6