



WEB COPY



W.P.No.17828 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 01.04.2024

CORAM:

THE HON'BLE DR JUSTICE D.NAGARJUN

W.P.No.17828 of 2019

and

WMP.No.17226 of 2019

The Management of
Tamil Nadu State Transport Corporation (Coimbatore Zone) Limited,
No.37, Mettupalayam Road,
Coimbatore.

...Petitioner

Versus

Mr.P.Kamaraj,
Son of Ponnu,
Govindapuram Village and Post,
Oothangarai Taluk,
Krishnagiri District – 635 307.

...Respondent

Prayer: This writ petition is filed under Article 226 of the Constitution of India, with a prayer to issue a writ of certiorari calling for the records relating to the order dated 17.09.2018 passed by the Principal Labour Court, Coimbatore in ID.No.61 of 2014 and to quash the same.

For Petitioner	:	Mr.M.Arun for Mr.A.Sundaravadhanan
For Respondent	:	Ms.V.Porkodi for Mr.R.Krishnaswamy



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ORDER

This writ petition is filed under Article 226 of the Constitution of India, with a prayer to issue a writ of certiorari calling for the records relating to the order dated 17.09.2018 passed by the Principal Labour Court, Coimbatore in ID.No.61 of 2014 and to quash the same.

2. The respondent/Mr.P.Kamaraj had joined the petitioner, Tamil Nadu State Transport Corporation (Coimbatore Zone) Limited Corporation as a driver on 09.07.2011. On 25.10.2013 when he was driving bus bearing TN 38 N 2454 in the route Singanallur – Gandhipuram, near Lakshmi Mills Junction an accident has taken place between the bus being driven by the petitioner and Motor Cycle bearing registration No.TN 40 F 0879 in which one person died. A criminal case was registered and the respondent was remanded to the judicial custody by the police for causing death of a person. After release from the judicial custody the Respondent has approached the concerned Branch Manager seeking employment but he was denied employment. The respondent submitted representation but there was no proper response from the petitioner corporation, thereby the Respondent has raised industrial dispute under Section 2(A)(2) of the ID Act, 1947, before the Labour Court in ID No.61 of 2014 dated 17.08.2018 seeking to set aside the



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dismissal order dated 09.11.2013 passed by the respondent/Management against the petitioner and to direct the respondent/Management to reinstate him into service with continuity of service, back wages and other attendant benefits. Said ID was disposed off on 17.09.2018 observed that the Respondent was already reinstated by the petitioner corporation on 15.07.2016, and thereby directed the petitioner corporation to provide continuity of service, back wages and other attendant benefits for the period from 18.04.2014 to 14.07.2016. Aggrieved by the same, the petitioner corporation has preferred this writ petition.

3. Heard both sides and perused all the available materials on record including impugned order.

4. The respondent was reinstated by the petitioner corporation with effect from 15.07.2016, and given continuity of service, therefore, the only point that falls for consideration by this Court is whether the petitioner is entitled for the back wages, and other attendant benefits.

5. According to the petitioner corporation, the direction given by the Labour Court in the impugned order to pay the back wages and attendant benefits from 18.04.2014 to 14.07.2016 is erroneous. After respondent has committed the accident on 25.10.2013, the Human



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Resource Development Officer of the petitioner corporation has took the driving license of the respondent and it was not returned. WP.No.6607 of 2015 was filed by the respondent was allowed on 10.03.2015 and authority was directed to return original driving liscense to the respondent.

6. As per the orders of this Court in WP.No.6607 of 2015 dated 10.03.2015, from the date of the accident, the respondent could not attend the duty as he was in judicial custody. In the meanwhile his driving liscense was restored as per the orders of this Court dated 10.03.2015. Therefore, the period from the date of accident i.e., 25.10.2014 to the date of restoration of license i.e., 10.03.2015.

7. In view of the above, since the respondent was already reinstated in the petitioner corporation with continuity of service, this petition stands disposed off by modifying the orders of the Labour Court in ID.No.61 of 2014 dated 17.09.2018 directing the petitioner to pay the back wages from 10.03.2015 to 14.07.2016 instead of 18.04.2014 to 14.07.2016, as quickly as possible not later than eight (8) weeks from the dated of receipt of copy of this order. There shall be no order as to costs. Consequently, connected writ miscellaneous petition also stands closed.



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Index :Yes/No

Speaking :Yes/No

Neutral Citation Case:Yes/No

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