



WEB COPY



WP.No.18851 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.10.2024

CORAM

THE HONOURABLE Mr.JUSTICE C.KUMARAPPAN

WP.No.18851 of 2020

P.Rathinamanikam

... Petitioner

-Vs-

The Managing Director,
Tamil Nadu State Transport Corporation
(Coimbatore Division) Limited,
No.37, Mettupalayam Road,
Coimbatore-641 043.

... Respondent

Prayer: Writ Petition is filed under Article 226 of The Constitution of India, praying to issue a writ of Certiorarified Mandamus, calling for the records of the order of the respondent made in Paa.No.1073/P.F4/Vai. Ni/Ema/2020 dated 05/06/2020 and Paa.No.1077/P1/Sapapi/TNSTC/Co/Ema/20 dated 06/06/2020 and quash the same and further directing the respondent to pay pension as per the petitioner's length of service, arrears of back wages and other attended benefits including Earned Leave.

For Petitioner : Mr.M.Ganesh

For Respondent : No Appearance



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ORDER

The instant writ petition has been filed challenging the impugned order dated 05.06.2020 by and in which the petitioner's representation for revised pension was rejected.

2. The learned counsel for the petitioner would submit that initially the petitioner was suspended during 1999 on account of the alleged misappropriation of Rs.5,000/-. Subsequently, after completion of the domestic enquiry, the petitioner was dismissed from service with effect from 19.10.1999. Assailing the said order, the petitioner raised an Industrial Dispute in ID.No.380 of 2000 before the Labour Court, Salem. After full trial, the Labour Court set aside the order of dismissal from service and ordered for full back wages and all attendant benefits. Against which, the Management preferred writ petition and Writ Appeal, however, the order of the Labour Court was ultimately confirmed.

3. The main contention of the learned counsel for the petitioner is that, the Labour Court order has not been complied with, and that they have been paid only with reduced pension. It is also the submission of the



learned counsel for the petitioner that in the meanwhile, they moved a Contempt Petition No.113 of 2013 and in the said petition, liberty was given to the petitioner to work out his remedy in accordance with law. It is in this background, the learned counsel for the petitioner would submit that the order passed by the respondent is in contravention to law and hence, prayed to interfere with impugned order.

4. There is no representation on behalf of the respondent.

5. While looking at the impugned order, they referred about the payment of 70% of back wages. Though it is the contention of the petitioner that he has been awarded with full back wages, while observing the order of the Contempt Petition No.113 of 2013, there is an observation that the petitioner had given letter to the respondent accepting for a 70% back wages. However, the learned counsel for the petitioner would submit that, such letter was obtained from him by exerting undue influence. As such based upon such letter, it is contended by the petitioner that the respondent cannot reduce their back wages and other benefits in contravention to the order of the Labour Court, which was confirmed up to



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the Writ Appeal. It is thus, the main contention is whether the letter of the petitioner agreeing to receive 70% of back wages was received by playing undue influence, or whether it was given voluntarily. This aspect is pure question of fact, and to substantiate such factual stand, appreciation of evidence is must. Such factual aspect cannot be gone into before the Writ Court. Hence, there is no merit in this writ petition.

6. In the result, this writ petition stands dismissed. However, the petitioner is given liberty to approach the Labour Court for filing an appropriate application in accordance with law. But such filing should be made, if advised, within a period of three (3) months from the date of receipt of a copy of this order. No costs.

25.10.2024

kmi

Index : Yes/No

Speaking order/Non-speaking order

NCC : Yes/No

To

The Managing Director,
Tamil Nadu State Transport Corporation
(Coimbatore Division) Limited,
No.37, Mettupalayam Road,
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C.KUMARAPPAN, J

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