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W.A.No.3126 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.10.2024

CORAM :

THE HONOURABLE MR. JUSTICE M.S. RAMESH
AND
THE HONOURABLE MR. JUSTICE M.JOTHIRAMAN

W.A.No.3126 of 2024
and C.M.P.No.23997 of 2024

The General Manager,
Tamil Nadu State Transport Corporation,
(Villupuram)DIV-II Ltd.,
Regional Head Office,
Rangapuram Post,
Vellore District.

... Appellant

Vs.

1.M.Porpatham

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

3.The General Manager,
Tamil Nadu Transport Corporation,
(Villupuram) Division-IV Ltd.,
District Collector Metro Plan Campus,
New By Pass Road, Vengikkal Post,
Thiruvannamalai District-606 604.



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4.The Managing Director,
TNSTC Villupuram Ltd.,
Head Office,
No.3-137, Salamedu,
Vazhathareddy Post,
Villupuram District.

... Respondents

PRAYER: Appeal is filed under Clause 15 of the Letters Patent, praying to set aside the order dated 26.06.2023 in W.P.No.33528 of 2014 passed by the learned Single Judge.

For Appellant	: Ms.S.Pavithra
For Respondents	: Mr.K.M.Ramesh Senior Counsel for Mr.S.Apunu for R1 R2 - Labour Court

JUDGEMENT

(Judgement of this Court was delivered by M.S.RAMESH.J)

When the first respondent herein had sought for conferment of permanent status before the Labour Court, Vellore, under the provision of Tamil Nadu Industrial Establishments (Conferment of Permanent Status to Workmen) Act, 1981, the same was allowed on 16.05.2005 in favour of the workman, directing the Management to confer permanent status on him, on



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completion of 480 days. Challenging the order of the Labour Court, the Management had filed W.P.No.12702 of 2006, which was dismissed on 27.02.2013.

2. Though the Management claims to have challenged the order of the learned Single Judge before a Division Bench of this Court through a Writ Appeal in the year 2013 itself, which is yet to be numbered, the learned Senior Counsel appearing for the first respondent would submit that no such appeal has been preferred.

3. On the strength of the order passed by the Labour Court, granting conferment of permanent status, the first respondent herein had filed an application under Section 33C(2) of the Industrial Disputes Act, 1947 claiming computation of the monetary benefits under the order passed by the Labour Court in C.P.No.289 of 2013. The said computation petition was allowed on 06.08.2014, against which the Management had preferred W.P.No.33528 of 2014.



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4. The learned Single Judge of this Court, through his order dated 26.06.2023, had recorded that when the earlier order of the Labour Court, granting permanent status to the workman has already become final, the Management was not justified in challenging the consequential claim petition. In this background, the Writ Petition was dismissed, which order is assailed in this Intra Court Appeal.

5. It is not in dispute that the earlier order of the Labour Court conferring permanent status to the workman has already become final. The present Writ Appeal arises from the consequential order, which is the benefits computed by the Labour Court based on its earlier order, for which the workman is legally and rightfully entitled. The Management does not dispute the quantum of the amount computed by the Labour Court. As rightly observed by the learned Single Judge, when the earlier order of the Labour Court has already become final, the present order which was impugned before the learned Single Judge was only a consequential order. Thus, the Writ Petition was rightly rejected and we find that no grounds to interfere with the well considered order.



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6. Accordingly, the Writ Appeal stands dismissed. No Costs.

Consequently, connected miscellaneous petition is closed.

[M.S.R., J] [M.J.R.,J]

28.10.2024

Index: Yes/No

Internet: Yes/No

Neutral Citation: Yes/No

Anu

To

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