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W.A.No.2699 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.08.2024

CORAM :

THE HONOURABLE MR. JUSTICE M.S. RAMESH
AND
THE HONOURABLE MR. JUSTICE C. KUMARAPPAN

W.A.No.2699 of 2023
and C.M.P.No.22700 of 2023

The Management,
Tamilnadu State Transport Corporation
(Kumbakonam) Ltd.,
Kumbakonam,
Rep. by its Managing Director.

... Appellant

Vs.

1.R.Ramalingam

2.The Presiding Officer,
Labour Court, Cuddalore.

... Respondents

PRAYER: Writ Appeal filed under Clause 15 of the Letters Patent Act,
praying to allow the Writ Appeal and set aside the order dated 02.03.2023
passed by this Court in W.P.No.38358 of 2015.

For Appellant : Mr.M.Murali Vinodh

For R1 : Mr.V.Ajoy Khose

For R2 : Court



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JUDGMENT

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(Judgment of the Court was made by *M.S.RAMESH, J.*)

While the first respondent herein was serving as a Driver in the petitioner/Corporation, he was dismissed from service on 28.10.1992. When he had challenged the order of dismissal before the Labour Court, the order was set aside and the Management was directed to reinstate the first respondent/workman.

1.2. When the Management had challenged the award of the Labour Court in a Writ Petition in WP.No.16412 of 1997, this Court had dismissed the Writ Petition on 20.04.2004 and thus, the award of the Labour Court had become final.

1.3. In this background, the first respondent had voluntarily retired on 06.05.2004. However, the backwages and other monetary benefits were not fully paid, which had prompted him to file a Claim Petition in C.P.No.9 of 2006 under Section 33(c)(2) of the Industrial Disputes Act, 1947, before the Labour Court and the same was allowed on 20.11.2013



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and the Labour Court had computed the dues payable to the first respondent/workman at Rs.6,08,935/-. While the computation was made, the Labour Court had also observed that a sum of Rs.2,81,866/- has already been paid to the workman and had consequently, held that the first respondent/workman is entitled to a sum of Rs.3,27,069/-.

1.4. When the order passed in C.P.No.9 of 2006 was challenged before the learned Single Judge, the Writ Petition came to be dismissed and the present appeal has been filed challenging the said dismissal order.

2. The only contention raised by the petitioner/Management before us is that the first respondent/workman had received a sum of Rs.2,81,866/- and had given an undertaking dated 07.04.2006 to give up the balance of the award amount.

3. When we perused the order passed in C.P.No.9 of 2006, it is seen that though such a contention was raised before the Labour Court, the Labour Court had not agreed with the contention of the Management and had upheld that the workman is entitled for the total amount of



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Rs.6,08,935/- and had directed the Management to pay the balance of award amount after adjusting Rs.2,81,866/-, which was already paid to the workman.

4. Though the undertaking allegedly given by the first respondent/workman dated 07.04.2006 was marked before the Labour Court, the Management had not chosen to examine any of the witnesses to the undertaking.

5. The learned counsel for the first respondent/workman would submit that the first respondent had never given such an undertaking and that he had never signed a receipt for the payment of the total award amount. Thus, the very claim of the Management that the undertaking was given by the first respondent/workman, is being disputed.

6. The Labour Court had also rendered its finding based on the facts before it. The learned Single Judge, in exercise of the powers under Article 226 of the Constitution of India, could not have gone into such disputed facts. Thus, when an objection has been raised before the Labour



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Court and a finding has been rendered on the facts before it, we cannot find fault with the findings of the learned Single Judge, approving the order of the Labour Court. Thus, there are no merits in the present appeal.

7. Accordingly, the Writ Appeal stands dismissed. Consequently, the petitioner/Management shall forthwith pay the balance of the award amount in I.D.No.62 of 1982 to the first respondent herein, within a period of four (4) weeks from the date of receipt of a copy of this order. No costs. Connected miscellaneous petition is closed.

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

14.08.2024

Index: Yes
Speaking order
Internet: Yes
Neutral Citation: Yes

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M.S.RAMESH, J.
and
C.KUMARAPPAN, J.

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To

The Presiding Officer,
Labour Court, Cuddalore.

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