



W.P.(MD).No.2382 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.02.2024

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.2382 of 2024

A.Pitchaiah

... Petitioner

Vs

1. The Managing Director,
Tamil Nadu State Transport Corpn., (Mdu) Ltd.,
Bye Pass Road, Madurai - 16.
2. The General Manager,
Tamil Nadu State Transport Corpn., (Mdu) Ltd.,
Madurai Region, Bye-Pass Road,
Madurai - 16.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the Presiding Officer of the Labour Court, Madurai to dispose the Claim Petitioner in C.P.No. 109/2022 of the Senior Citizen of aged Petitioner within the stipulated time frame as fixed by this Court.

For Petitioner : Mr. K.Gokul

For Respondents : Mr.K.Ramaiah
Standing Counsel



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ORDER

This writ petition has been filed for the issue of a writ of mandamus directing the Presiding Officer of the Labour Court, Madurai to dispose the Claim Petitioner in C.P.No. 109/2022 of the Senior Citizen of aged Petitioner within the stipulated time frame as fixed by this Court.

2.By consent of both parties and considering the limited relief sought for by the petitioner, the Writ Petition is taken up for final disposal at the stage of admission itself.

3.Heard, the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents. Perused the materials on record.

4.(i).The petitioner was appointed in the respondent Corporation as a Driver on 22.09.1988 and was confirmed on 09.11.1989. On attaining the age of superannuation, he retired from service as Selection Grade Driver on 31.05.2011. While in service at Shencottai Branch, on 22.09.1994 he met with an accident by colluding the Corporation Bus with the private bus, following



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which, he was dismissed from service on 23.12.1995. Challenging the same, he filed I.D.No.189 of 1995 before the Labour Court and vide order of Labour Court, the petitioner was granted the backwages and continuity of service with reinstatement. Against which, the respondent Corporation preferred a petition in W.P.No.18300 of 2001 before this Court and the same was dismissed by this Court on 31.03.2010 confirming the Labour Court Award.

(ii).Pursuant to the same, the respondent Corporation placed the Award before the 223rd Board Meeting, dated 14.03.2012 and passed a resolution authorizing to modify the reinstatement order of the petitioner as with continuity of service with back wages and to settle the eligible terminal benefits. In terms of the said resolution, the respondents ought to have paid the eligible arrears of wages and attendant benefits from the date of dismissal to till the date of his reinstatement ie., 23.12.1994 to July, 2001. That apart, the respondents failed to consider to fix the pay fixation including attendant benefits based on 12(3) settlement. Though the respondent Corporation settled the terminal benefits like Gratuity, PF, Leave Salary, Commutation and Pension etc., to the petitioner after his retirement on 31.05.2011, the petitioner has only received the old basic pay till the retirement, which is against the interest of



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12(3) settlement of wages arrived at by the Government, Management & Trade Unions.

(iii).Hence, in this regard the petitioner filed W.P(MD) No.6412 of 2022 and this Court, vide order, dated 07.04.2022 directed the petitioner to file a claim petition before the concerned Labour Court, following which, the petitioner filed C.P.No.109 of 2022 before the Labour Court, Madurai on 11.08.2022 and it is pending without filing counter by the respondent for more than 1 ½ years. Hence, this writ petition came to be filed to direct the Presiding Officer, Labour Court to dispose of the claim petition in C.P.No.109 of 2022.

6.Considering the limited scope of the relief sought for by the petitioner, without going into the merits of the case, this Court hereby direct the respondents to dispose of the Claim Petition in C.P.No.109 of 2022 and pass appropriate orders in accordance with law, within a period of four months from the date of receipt of a copy of this order.



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7. With the above direction, this writ petition stands disposed of.

There shall be no order as to costs.

06.02.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes
PNM

To

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2. The General Manager,
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L.VICTORIA GOWRI, J.

PNM

**ORDER IN
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