



WP(MD) No.9802 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **03.06.2024**

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD) No.9802 of 2024

and

WMP(MD)No.8902 of 2024

1.The Managing Director,
Tamil Nadu State Transport Corporation,
(Kumabkonam) Ltd.,
New Railway Feeder Road,
Kumbakonam.

2.The General Manager,
Tamil Nadu State Transport Corporation,
(Kumabkonam) Ltd.,
Maruthupathi,
Karaikudi.

... Petitioners

Vs.

A.Narayanasamy

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records on the file of the Labour Court, Madurai pertaining to its



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proceedings in C.P.No.49 of 2018 dated 26.09.2023 and quash the same.

For Petitioners : Mr.SC.Herold Singh

For Respondent : No appearance

ORDER

The present writ petition has been filed seeking a Writ of Certiori, to quash the proceedings dated 26.09.2023 in C.P.No.49 of 2018 on the file of the Labour Court, Madurai.

2. Heard Mr.SC.Herold Singh, learned counsel for the petitioners.

3. The respondent herein by making a claim of pay anomaly has filed a claim petition in C.P.No.49 of 2018 before the Labour Court, Madurai in which an order has been passed on 26.09.2023 in favour of him. One of the vital points raised by the learned counsel for the petitioners herein is that the entitlement and the right of the respondent has to be crystalised by the Labour Court through an Industrial Dispute. But the respondent herein, without making any Industrial Dispute,



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straight away filed the claim petition and got an order in favour of him.

Hence, the respondent is not entitled to get his remedy by way of filing a claim petition. It is the first principle of Labour law. But the Labour Court has overlooked the said principle.

4. The learned advocate appeared for the petitioners herein/Transport Corporation before the Labour Court has not raised the above point before allowing the claim petition. Hence, the respondent herein has taken a shortcut method of filing the claim petition without making any Industrial Dispute for getting the order of entitlement of pay anomaly. So without getting his right determined, he has straight away filed a claim petition and the Labour Court has passed the order favourably to the respondent herein by overlooking the above legal requirement. Hence, I feel that the said order passed by the Labour Court is liable to be set aside.

5. In the result, this writ petition is **allowed**. The order of the Labour Court, Madurai, passed in C.P.No.49 of 2018 dated



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26.09.2023 is set aside. No Costs. Consequently, connected miscellaneous petition is closed.

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03.06.2024

Index : Yes / No
Internet : Yes / No
NCC : Yes / No
PJL

To
The Judge, Labour Court, Madurai.



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R.N.MANJULA, J.

PJL

**Order made in
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WMP(MD)No.8902 of 2024**

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