



W.A.(MD) No.7 of 2018

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.04.2024

CORAM

JUSTICE N. SESHASAYEE

and

JUSTICE P.VADAMALAI

W.A.(MD) No.7 of 2018

and

C.M.P.(MD) No.106 of 2018

The Managing Director,
Tamilnadu State Transport Corporation
Madurai Ltd.,
Madurai,
Now Tamilnadu State Transport Corporation,
Tirunelveli Ltd.,
Tirunelveli.

... Appellant/
2nd Respondent

Vs.

1.K.Pushkaran Nair

... 1st Respondent/
Writ Petitioner

2.The Presiding Officer,
Labour Court,
Tirunelveli.

... 2nd Respondent/
3rd Respondent



W.A.(MD) No.7 of 2018

3. The Principal Secretary,
Government of Tamilnadu,
Department of Transport,
St. George Fort, Chennai.

... 3rd Respondent/
1st Respondent

Prayer: Appeal filed under Clause 15 of Letters Patent against the order dated 03.02.2017 made in W.P.(MD) No.5132 of 2013.

For Appellant	:	Mr.K.Sathiya Singh
For R1	:	G.Thalaimutharasu
For R3	:	Mr.A.Baskaran Additional Government Pleader
Respondent-2	:	Labour Court

JUDGMENT

(Judgment of the Court was delivered by N.Seshasayee, J.)

Challenging an order of the learned Single Judge in W.P.(MD) No.5132 of 2013, dated 03.02.2017, the 2nd respondent therein has approached this Court.

2. The issue falls within the narrow compass. The writ petitioner's father was working as a Driver in the appellant's Corporation from 01.01.1974 and on



W.A.(MD) No.7 of 2018

31.03.1986, he superannuated. While so, on 07.09.1981, he was dismissed from service based on a domestic enquiry and this order of dismissal was challenged by the workman concerned in I.D.No.158 of 1982 before the Labour Court, Madurai. On 22.12.1983, the order of dismissal from service issued to the workman came to be set aside and he was reinstated with half back wages. This award of the Labour Court was unsuccessfully challenged by the Management in W.P.No.5922 of 1984. However, by the time, the writ petition came to be disposed of on 20.11.1992, the workman had attained the age of superannuation. Necessarily he could not be reinstated, but his right to obtain half back wages in terms of the award of the Labour Court alone remained to be paid. And the workman eventually died on 26.12.1993.

3. Some 14 years thereafter, the workman's son has had moved the Labour Court, Tirunelveli in C.P.No.27 of 2007 claiming that his father was entitled to a sum of Rs.19,78,598.84. The Management opposed this claim on the ground that the claimant's father himself issued a receipt, in which he had admitted to the receipt of half the back wages as was directed by the Labour Court to be paid to him plus gratuity amount. The Labour Court while



W.A.(MD) No.7 of 2018

dismissing the claim petition, has recorded that in his testimony before the Court, the claimant himself had admitted to the receipt of Rs.7,380.35 by his father on 09.10.1993, Rs.2,122.60 on 09.12.1993 and also Rs.13,895/- on 10.12.1993 towards payment of arrears of back wages through cheques and also held that this fact was suppressed by the claimant in his petition. Aggrieved by the said order of the Labour Court, the writ petitioner moved this Court in W.P.(MD) No.5132 of 2013. The Management, yet again relied on the very receipt executed by the claimant's father, but this was disbelieved by the learned Single Judge on the ground that it could have been fabricated and accordingly, allowed the claim petition. This is now under challenge.

4. Heard both sides.

5. There are no reasons for this Court to believe the very claim made by the claimant. (a) First he did not explain how he is entitled to a claim of Rs.19,78,598.84; (b) He has not explained why he waited for 14 years after the death of his father to file a claim petition; and (c) why he suppressed the fact about the receipt of certain amounts under three different cheques by his



W.A.(MD) No.7 of 2018

father. It is now not so much about whether the alleged receipt executed by the claimant's father was fabricated or not, but it is all about the very testimony of the claimant before the Labour Court, wherein he had admitted that his father had received the aforesaid sum through three different cheques.

6. Turning to the order of the learned Single Judge, it appears to be unifocal when it suspected the genuineness of the document which the Management produced. This Court does not find any evidentiary basis for suspecting it more so when the fact as disclosed by the document is just opposed with the admission made by the claimant before the Labour Court read together.

7. In the result, this Court allows the Writ Appeal and sets aside the order of the learned Single Judge, dated 03.02.2017 in W.P.(MD) No.5132 of 2013. No costs. Consequently, connected miscellaneous petition is closed.

(N.S.S., J.) (P.V.M., J.)
23.04.2024

NCC : Yes/No
Index : Yes/No
ABR



WEB COPY



W.A.(MD) No.7 of 2018

To

- 1.The Presiding Officer,
Labour Court,
Tirunelveli.
- 2.The Principal Secretary to Government,
State of Tamilnadu,
Department of Transport,
St. George Fort, Chennai.



WEB COPY



W.A.(MD) No.7 of 2018

N. SESHASAYEE, J.
and
P.VADAMALAI, J.

ABR

W.A.(MD) No.7 of 2018

23.04.2024