



W.P.No.1872 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.01.2025

CORAM:

THE HONOURABLE MR. JUSTICE **D.BHARATHA CHAKRAVARTHY**

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and

W.M.P.No.2145 of 2025

The Managing Director,
Tamil Nadu State Transport Corporation,
Salem Division I,
No. 12, Ramakrishna Salai,
Salem – 636007.

... Petitioner

Vs

M.Sekar

... Respondent

Prayer: Writ Petition filed under Article 226 of Constitution of India for the issuance of Writ of Certiorari, to call for the records pertaining to the order dated 11.01.2023 made in C.P. No. 24 of 2020 on the file of the Labour Court, Salem and quash the same.

For Petitioner : Mr.K.Raja



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ORDER

In this writ petition, the award of the Labour Court, Salem, dated 11.01.2023 made in C.P.No. 24 of 2020 is under challenge.

2. It can be seen that the claim of the Workman in the petition filed under Section 33C(2) of the Industrial Dispute Act, 1947 was with reference to the ERBS amount of Rs.18,500/-, leave salary arrears of Rs.7,649/-, dearness Allowance arrears of Rs.7,112/-, salary due for a period of 7 days, which was not paid to him, for a sum of Rs.13,853/- and IRTT share amount Rs.4,500/-, totalling Rs.51,614/-. The Tribunal, after considering the counter filed by the management, considered that for some of the items, the Management itself had acknowledged that they were due. For some of the contested items, the Tribunal gave its finding that the amounts were due to the workman. After deducting the sum of Rs.15,022/- which has already been deposited before the Tribunal, the Tribunal ordered the balance sum of Rs.36,592/- to be paid with 9% interest if the amount was paid within one month and with 12% interest if the payment was failed. Aggrieved by the



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same, the present writ petition is filed.

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3. The learned counsel appearing on behalf of the petitioner would submit that as far as 7 days salary is concerned, what is claimed by the workman was due to an error while digitizing the records and that he is not at all entitled for the said 7 days salary. As far as the other claims are concerned, the workman was not entitled for the travelling allowance.

4. Apart from these arguments, it can be seen that in addition to raising the question of the jurisdiction of the Labour Court under Section 33C(2) in ground Nos. (a) to (d) of the writ petition, specific grounds have been raised in ground Nos. (e) & (f) only with reference to the 7 days salary and travel allowance. Therefore, that comes to only a partial amount of Rs.13,853/-. It can be seen that no grounds have been raised regarding the ERBS amount, leave salary, IRTT share amount, etc., and thus this writ petition need not be entertained for the minor amount of Rs.13,853/- alone.

5. The workmen would effectively spend more than the said amount if



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he were to contest the claim. As a matter of fact, the management has likely spent an amount more or less equivalent to that in filing this writ petition. It is better that the authorities to apply their mind when choosing to file a writ petition in relation to the awards made by the Labour Court. Therefore, for the reasons mentioned above, I am not inclined to entertain the writ petition concerning the dispute as to whether the workman was entitled to the 7 days salary or whether it was an error during computerisation.

6. In view thereof, this writ petition is dismissed. However, the time granted by the Labour Court to pay the said sum of Rs. 36,592/- with 9% interest within a period of one month is extended by one month from today. If not paid within the extended time, then as ordered by the Labour Court, the sum will be paid with further interest at the rate of 12% per annum. Consequently, connected miscellaneous petitions are closed. No costs.

27.01.2025

Neutral Citation: Yes/No
nsl

To
The Labour Court, Salem.

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D.BHARATHA CHAKRAVARTHY, J.

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