



WEB COPY

W.A.No. 661 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.03.2025

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
AND
THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

W.A.No. 661 of 2025
and
C.M.P.No.5393 of 2025

The Management,
Tamil Nadu State Transport Corporation (Salem) Ltd.,
Rep. by its General Manager,
No.12, Ramakrishna Road,
Salem - 636007.

... Appellant

Vs.

1.The Presiding Officer,
Labour Court, Salem.

2.S.Jayakumar

...Respondents

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent, against the order dated 02.08.2023 made in W.P.No.19435 of 2017.

For Appellant : Mr.M.Aswin

For Respondents : R1- Labour Court



J U D G M E N T

(Judgment of the Court was made by R.SUBRAMANIAN, J.)

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The 2nd respondent, who was working as a Driver in the appellant Corporation was charged with unauthorized absence from the duty.

2. A departmental enquiry was conducted and ultimately, he was dismissed from service. The said dismissal from service was made subject matter of challenge in an Industrial Dispute before the Labour Court, Salem in I.D.No.7 of 2013. The Labour Court, by its award dated 22.06.2016 directed reinstatement with 40% backwages. This award was subject matter of challenge before this Court in W.P.No.19435 of 2017. The Writ Court, while confirming the award for reinstatement, modified the award for payment of back wages and held that the Employee would not be entitled to any back wages. The Employee has accepted the award and the Management is on appeal. The scope for interference with awards of Labour Courts by this Court is very very limited. The Writ Court has, in fact, chosen to interfere with the award and denied back wages to the Employee.

3. Mr.M.Aswin, learned counsel for the appellant would submit that the 2nd respondent has been reinstated on 28.02.2025 and he would



however, contend that the salaries for the period from 02.08.2023 i.e, the order of Writ Court, till 28.03.2025 need not be paid. We do not think, we can accept the submissions of the learned counsel. Once there is a direction to reinstate, the appellant / Corporation is bound to reinstate or pay salary from the date of the order of the reinstatement. It cannot delay reinstatement and claim that it will not pay salary. Even on merits, we do not think there is any reason to interfere with the order of the writ Court.

4. As we had already indicated, scope for interference with the awards of the Labour Courts in proceedings under Article 226 is very limited. The learned single Judge has exercised his discretion in favour of the Management by denying back wages to the Employee. We therefore, see no merit in the appeal. This Writ Appeal therefore, fails and it is accordingly, **dismissed**. No costs. Consequently, connected miscellaneous petition is closed.

(R.S.M., J.) (G.A.M., J.)
11.03.2025

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Index: No
Speaking order
Neutral Citation : No



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R.SUBRAMANIAN, J.
and
G. ARUL MURUGAN, J.

KKN

To:

1.The Management,
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Rep. by its General Manager,
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