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W.P.No.7645 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 23.06.2025

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THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No.7645 of 2023
and WMP.No.7803 of 2023

The Management
Tamil Nadu State Transport Corporation
(Coimbatore) Limited
No.37, Mettupalayam Salai
Coimbatore - 641 043.

... Petitioner

Vs

1.R.Dhavamani
2.R.Menakadevi
3.Veerakumar
4.Pappa

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari calling for the records relating to the Award made in C.P.No.48 of 2021 dated 12.07.2022 on the file of the Additional Labour Court, Coimbatore, and quash the same.

For Petitioner : Mr.P.Dinesh Kumar

For Respondents : Ms.V.Porkodi
for Mr.R.Krishnaswamy for R1 to R4



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ORDER

Challenging the order dated 12.07.2022 passed by the Additional Labour Court, Coimbatore in C.P.No.48 of 2021, the Management of the Tamil Nadu State Transport Corporation is before this Court, seeking to quash the said order.

2. The facts are briefly set out herein below :

- a) One Rangasamy was employed in the petitioner Corporation as casual driver from 22.05.1998 and was posted at Palladam Branch on emergency exigency.
- b) The said Rangasamy was disengaged from service on 10.03.1999. Thereafter, Rangasamy and others have filed writ petitions challenging their disengagement. Rangasamy had filed W.P.No.10195 of 1999 before this Court and the writ petition was allowed and he was restored into service on 04.02.2000, without prejudice to the outcome of the appeal preferred by the petitioner-Management in W.A.No.2284 to 2289 of 2004. These appeals were disposed of by order dated 02.02.2018.
- c) Thereafter, the Government by its order dated 05.07.2001, had



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directed the Corporation to stop further engagement of casual labour drivers as well as conductors or to regularise the services of the existing casual labours without prior approval from the Board.

- d) Based on the above directions, the deceased Rangasamy was reinstated into service, however no confirmation order was issued to him.
- e) Subsequently, there was a Sec.12(3) settlement between the petitioner-Management and the Union on 31.08.2005, whereby the service of the daily paid employees existing on the said date was agreed to be regularised by 01.09.2005, and the casual employees are elevated as daily paid employees.
- f) It was also mutually agreed in the said settlement that the grant of regularisation shall be given effect to from the date of entering the 12(3) settlement in 2005. Accordingly, the services of deceased Rangasamy was regularised from 01.08.2006 by an order dated 24.08.2007.
- g) The Government have also made necessary amendments in the Service Rules granting several benefits viz., increments and revoking the ban in regularisation of the employees etc., This



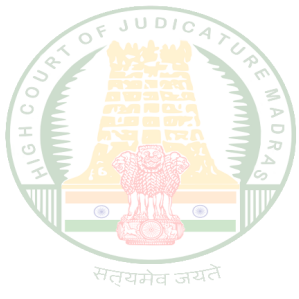
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benefit of regularisation, increments etc., were enjoyed by the employees including the deceased Rangasamy. It is to be noted that this settlement was not complained of by any individuals, as illegal or irregular.

- h) Be that as it may, the deceased Rangasamy had approached the Inspector of Labour, Coimbatore in 2014, and filed a petition claiming regularisation of services from 14.08.1998 on the ground that he had completed 480 days of service thereon. The respondent-Management had refuted the same based on the 12(3) Settlement entered into between the petitioner-Management and the Union. However, the Inspector of Labour, ignoring the aforesaid contention of the Management, had allowed the claim of the deceased Rangasamy vide his proceedings dated 27.02.2014, thereby directing the Management to regularise the services of Rangasamy on his completion of 480 days from the date of joining the services i.e., on 14.08.1998.
- i) This order of the Inspector of Labour, Coimbatore was challenged by the petitioner-Corporation in W.P.No.15465 of 2017. Pending the writ petition, Rangasamy had passed away and his legal heirs



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were brought on record. By an order dated 01.10.2020, the said W.P.No.15465 of 2017 was dismissed. Challenging the same, the petitioner-Management filed W.A.No.2080 of 2022 and the same is pending.

- j) In the meanwhile, the legal heirs of the deceased Rangasamy had filed Computation Petition in C.P.No.48 of 2021 before the Additional Labour Court, Coimbatore, claiming arrears of wages from the year 2014 to 2018 to the tune of Rs.3,72,919/-. This petition came to be allowed by order dated 12.07.2022.

Challenging the same, the petitioner-Corporation is before this Court in this writ petition.

2. The learned counsel appearing for the petitioner-Management would contend that the deceased Rangasamy have not claimed difference of backwages from the date of his confirmation / regularisation, but after a lapse of more than 15 years from the date of passing the order of regularisation on 01.08.2006, he had filed the claim petition. He had also relied on the 12(3) Settlement entered into between the Management and the Union. He would also contend that the Labour Court without analysing all



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these facts, had passed its order in C.P.No.48 of 2021, which is erroneous.

It is also contended by the petitioner-Management that having brought to the notice of the Labour Court that they had challenged the order of dismissal in W.P.No.15465 of 2017 in an appeal in W.A.No.2080 of 2020 and that the same is pending on its file, the Labour Court had proceeded to allow the claim petition. Therefore, the decision of the Labour court lacks merits. Hence, he seeks to quash the same.

3. It is now brought to the notice of the Court that W.A.No.2080 of 2022 filed by the petitioner-Management was dismissed.

4. Heard the learned counsel on either side.

5. Considering the fact that the writ petition filed by the petitioner-Corporation challenging the regularisation of the deceased workman with effect from 14.08.1998, in W.P.No.15465 of 2017 had been rejected and the rejection was confirmed in W.A.No.2080 of 2022, the writ petitioner cannot question the computation on the ground that, in the 12(3) Settlement of the Industrial Dispute Act, it was agreed that the daily paid employees would be



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given employment from 01.09.2005. Such a defence is not available to the petitioner-Corporation, in the light of the order passed in W.P.No.15465 of 2017 and W.A.No.2080 of 2020. Therefore, in the aforesaid circumstances, the award of the Additional Labour Court, Coimbatore, dated 12.07.2022 in C.P.No.48 of 2021, which is the subject matter of the present writ petition, cannot be found fault with.

6. The writ petition is accordingly dismissed. No costs. Consequently, connected miscellaneous petition is dismissed.

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Index : Yes / No

Neutral Citation : Yes / No

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