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W.P.No.5403 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.02.2025

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.5403 of 2025

And

W.M.P.No.5957 of 2025

The Management
Metropolitan Transport Corporation
(Chennai) Limited,
Chennai 600 002.

... Petitioner

Vs.

1.P.Arumugam

2.The Deputy Commissioner of Labour,
D.M.S. Complex,
Teynampet,
Chennai 600 006.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus after calling for the records of the Chief Court of the Small Cause Court Chennai in P.W.A No.1 of 2023 and quash the order dated 01.03.2024 and consequently allow the P.W.A No.1 of 2023.

For Petitioner : Mr.A.Vinothraj



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ORDER

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The petitioner has filed this writ petition seeking issuance of Writ of Certiorarified Mandamus after calling for the records of the Chief Court of the Small Cause Court Chennai in P.W.A No.1 of 2023 and quash the order dated 01.03.2024 and consequently allow the P.W.A No.1 of 2023.

2.The learned counsel appearing for the petitioner submitted that the first respondent was appointed as Electricial – Grade III by the petitioner Management on 07.05.1966. Since the first respondent was unauthorisedly absent from 19.06.1971 to 15.08.1971, he was terminated from service on 03.10.1974 after due enquiry and challenging the same, the first respondent raised industrial dispute in I.D.No.861 of 1989 before the Labour Court and the same was dismissed on 14.07.1994 and aggrieved by the same, the first respondent filed W.P.No.19317 of 1994 before this Court and this Court vide order dated 14.09.2001 partly allowed the said writ petition and directed the petitioner to pay backwages from 01.11.1988 till the date of superannuation on 31.12.1997. Aggrieved by the same, the petitioner filed appeal in W.A.SR No.9192 of 2003, however, the said appeal was dismissed.



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3.The learned counsel appearing for the petitioner further submitted that since the petitioner did not pay the backwages, the first respondent filed W.P.No.11289 of 2003 and the said writ petition was dismissed by this Court on 27.09.2005 with an observation that the remedy of the first respondent is not in filing the writ petition again and somewhat different. Thereafter the first respondent filed contempt petition and during the pendency of the contempt petition, the petitioner paid a sum of Rs.1,22,067/- towards backwages from 01.11.1988 till the date of superannuation on 31.12.1997. Hence, the said contempt was closed on 21.09.2007 with an observation the order in the contempt petition shall not stand in the way of the first respondent to work out the remedy for the difference in backwages if any.

4.The learned counsel appearing for the petitioner further submitted that thereafter, the first respondent filed P.W.IA.No.2 of 2008 before the second respondent and the same was dismissed on 16.10.2009 and aggrieved by the same, the first respondent filed W.P.No.1916 of 2010 and the said writ petition was dismissed on 03.02.2010 permitting the petitioner to approach the Chief Judge,

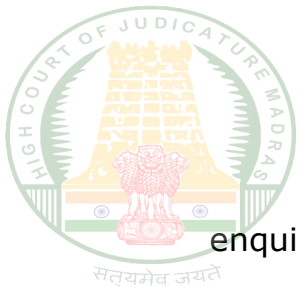


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Small Causes Court, Chennai to file appeal. Thereafter, P.W.A.No.1 of 2011 was allowed on 17.08.2012 setting aside the order passed in P.W.IA.No.2 of 2008 dated 16.10.2009 and the case was remitted back to the second respondent for fresh disposal, pursuant to which, the delay was condoned and the petition filed by the first respondent was taken on file as P.W.No.10 of 2013 and the said application was allowed by the second respondent on 10.12.2014 and aggrieved by the same, the petitioner preferred appeal in P.W.A.No.1 of 2023 before the Chief Judge, Court of Small Causes, Chennai and vide impugned order, the said appeal was dismissed.

5.The learned counsel appearing for the petitioner further submitted that the petition filed by the first respondent suffer delay in latches, however, the same was not properly adjudicated by the Labour Court as well as the Chief Judge, Court of Small Causes, Chennai and prays to set aside the impugned order.

6.Admittedly, the first respondent was appointed as Electrician – Grade III by the petitioner Management on 07.05.1966. Since the first respondent was unauthorisedly absent from 19.06.1971 to 15.08.1971, he was terminated from service on 03.10.1974 after due



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enquiry and challenging the same, the first respondent raised industrial dispute in I.D.No.861 of 1989 before the Labour Court and the same was dismissed on 14.07.1994 and aggrieved by the same, the first respondent filed W.P.No.19317 of 1994 before this Court and this Court vide order dated 14.09.2001 partly allowed the said writ petition and directed the petitioner to pay backwages from 01.11.1988 till the date of superannuation on 31.12.1997.

7. Thereafter, the petitioner paid a sum of Rs.1,22,067/- towards backwages and since the first respondent felt that there was difference in wages, he filed petition for payment of wages and order was passed in favour of him. The fact finding authority has elaborately considered the issue and allowed the petition filed by the first respondent and the same was confirmed by the Chief Judge, Court of Small Causes, Chennai and hence, the impugned order warrants no interference.

8. The writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

18.02.2025

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Index: Yes/ No
Speaking Order: Yes/ No

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NCC: Yes/ No

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M.DHANDAPANI,J.
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To

1.The Deputy Commissioner of Labour,
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And
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