



W.P.No.26654 of 2013

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.07.2025

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No.26654 of 2013

The Management,
Tamil Nadu State Transport Corporation
(Coimbatore) Limited,
37, Mettupalayam Road,
Coimbatore-43
Represented by its Managing Director

... Petitioner

Vs.

1.S.Kangarajan

2.The Presiding Officer,
Labour Court,
Coimbatore

...Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Certiorari calling for the records made in CP.No.62/2010 dated 03.07.2012 on the file of the 2nd respondent and quash the same.



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For Petitioner : M/s.A.Sundara Vadharan
For Respondent : R.1 - served, No appearance
: R.2- Court.

ORDER

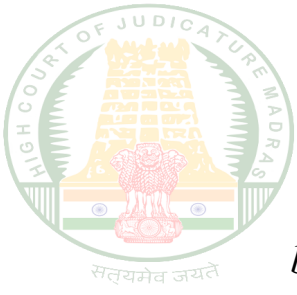
The above Writ Petition is filed for the following reliefs:-

"calling for the records made in CP.No.62/2010 dated 03.07.2012 on the file of the 2nd respondent and quash the same."

2. The issue involved in the instant Writ Petition is covered by the order of this Court passed in WP.Nos.26664 to 26666 of 2013 dated 19.02.2025.

3. The relevant portions of the said order are extracted herein below:-

"8. The main object of Section 33(C)(2) of the ID Act is for creating a mechanism for providing the



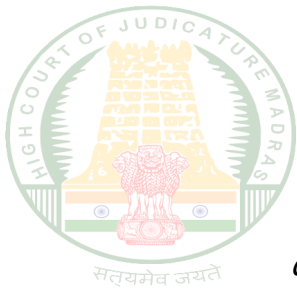
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benefits with regard to the pre-existing rights to an employee, which are computable in terms of money. Section 33(C)(2) acts as a tool for individual workmen to recover dues by computing the amount or value of a benefit that they are already entitled to and it is not meant for determining new claim or entitlements. Therefore, the main ingredient that forms part of Section 33(C)(2) is the pre-existing right of an employee to receive a benefit requires to be established. It becomes incumbent on the part of the employee to establish through materials his pre-existing right to a certain benefit, which alone would clothe the Labour Court with power to grant the benefit and there is no iota of adjudication which is required to be made by the Labour Court.

9. However, ignoring the elemental question with regard to the power of the Labour Court with regard to



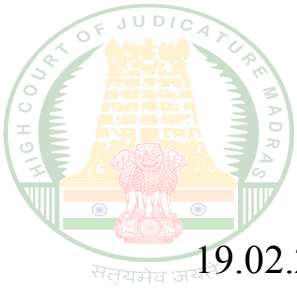
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adjudication of a claim under Section 33(C)(2) and in the absence of any pre-existing or subsisting right on the part of the workmen to invoke Section 33(C)(2) of the ID Act, the Labour Court had allowed the computation petitions filed by the workmen, which in the considered opinion of this Court needs to be interfered with.

10. Accordingly, these writ petitions stand allowed and the impugned order of the 2nd respondent dated 03.07.2012 made in the respective computation petitions are set aside. However, the workmen are at liberty to workout their remedy in the manner known to law, if so advised. No costs. Consequently, the connected miscellaneous petitions are closed."

4. Since the issue involved in the instant case is covered by the above order, this Writ Petition is disposed of on the same lines as of the order passed in WP.Nos.26664 to 26666 of 2013, dated



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19.02.2025. No costs. Consequently the connected Miscellaneous

Petition is closed.

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(shr)

Index : Yes/No

Speaking Order: Yes/No

Neutral Citation : Yes/No

To

1.The Presiding Officer,
Labour Court,
Coimbatore



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P.T. ASHA. J.,

(shr)

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