



W.P.No.7287 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Special Original Jurisdiction)

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DATED : 16.04.2025

PRESENT:

THE HONOURABLE DR. JUSTICE A.D.MARIA CLETE

W.P.No.7287 of 2021
and
W.M.P.No. 7789 of 2021

The Management,
Tamil Nadu State Transport Corporation (CBE) Ltd.,
37, Mettupalayam Road,
Coimbatore – 641 043. ... Petitioner

Vs.

L. Murugaian,
Son of Mr.Lakshmana Gowdar,
D.No.6/53-K Kovai Road,
Kumaran Kundru, 1-Vadavalli Post,
Pugalur Via, Pallipalayam Village,
Mettupalayam Taluk,
Coimbatore – 641 697. ... Respondent

Prayer in W.P.No. 7287 of 2021

To issue a writ or direction particularly in the nature of writ of certiorari calling for the records relating to the order dated 15.07.2019 passed by the Principal Labour Court, Coimbatore in C.P.No.85 of 2016 and to quash the same and pass such further or other order or orders as may be deemed fit



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and proper in the circumstances of the case and thus render justice.

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Prayer in WMP.No. 7789 of 2021

To grant an order of interim stay of all further proceedings in C.P.No.85 of 2016 on the file of the Principal Labour Court, Coimbatore dated 15.07.2019 pending disposal of the above writ petition.

Appearance of Parties:

For Petitioner : Mr. A.Sundaravadhanan

For Respondent : Mr. V. Ajay khose.

J U D G M E N T

Heard.

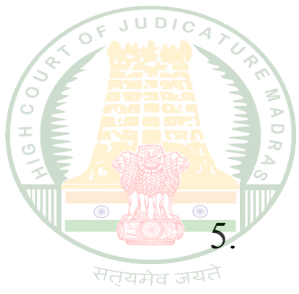
2. The writ petition has been filed by the Tamil Nadu State Transport Corporation (Coimbatore) Ltd., challenging the order dated 15.07.2019 passed by the Principal Labour Court, Coimbatore in C.P. No. 85 of 2016. The respondent, a retired employee who had served as a Conductor, filed the computation petition under Section 33C(2) of the Industrial Disputes Act, 1947, claiming an amount of Rs. 4,28,783.60 under various heads, namely earned leave wages, incentive, social security scheme dues, and refund of security deposit.



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4. The petitioner seeks to quash the Labour Court's order insofar as it directs payment of Rs.38,500/- with interest and cost, and requests this Court to set aside the same as being legally untenable and beyond the scope of computation under Section 33C(2) I.D. Act.



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5. A perusal of records shows that the Labour Court recorded that the Management had paid Rs.1,60,726/- towards earned leave encashment to the respondent only during the pendency of the proceedings before the Court. Since the amount was not paid at the time of retirement but only after the computation petition was filed, the Court took note of the belated payment, but did not pass any further direction for payment under that head, as the claim stood settled. Thus, the Labour Court accepted that the earned leave wages had been paid, though belatedly, and did not include it in the final amount awarded for computation.

6. As regards the incentive claim, the Labour Court has observed that the respondent in his averments had stated that he was appointed as a Conductor on 13.07.1992 in the Tamil Nadu State Transport Corporation (Coimbatore) Ltd and since his physical condition was not good, he was deputed to clerical duties in the Accounts Section at the Mettupalayam Branch from 15.06.2012 and continued in that role until his retirement on 30.06.2015. He claimed that during this period, other employees similarly deputed to clerical work were paid an incentive of Rs. 1,500/- per month,



and he was therefore entitled to the same.

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7. The Management denied the claim on the ground that the respondent was never permanently re-designated as a clerk. However, during the cross-examination of MW1, the Management's witness admitted that employees deputed to clerical work were paid Rs.1,000/- per month as incentive and the relevant portion reads as follows;

“...மேற்படி காலகட்டத்தில் அலுவலக பணியாளர்களுக்கு சராசரியாக மாதாந்திர ஊக்கத்தொகை ரூ.1500/- வழங்கப்பட்டது என்றால் இல்லை, சுமார் ரூ.1000/- அளவில்தான் ஊக்கத்தொகை வழங்கப்பட்டது...”

8. The Labour Court held that, based on the admission made by MW1 during cross-examination that employees performing clerical duties were paid an incentive of Rs.1,000/- per month, and considering that the petitioner had in fact been deputed to such clerical work, the petitioner was entitled to receive the said incentive. The finding of the Labour Court is well-supported by the evidence on record and does not suffer from any perversity. It is a settled principle that when an employee is assigned duties outside the scope of their original appointment and performs such functions



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continuously, they are entitled to be compensated on par with others

similarly placed. In the present case, the respondent was deputed to clerical duties for a defined period and performed such functions until retirement. The admission by the Management's own witness that clerical staff were paid Rs. 1,000/- per month as incentive lends credence to the respondent's claim. In the absence of any specific policy or rule excluding deputed employees from such benefit, the Labour Court rightly extended the same treatment to the respondent based on the principle of equal pay for equal work and parity of treatment among similarly situated employees. The finding, therefore, warrants no interference.

9. As regards the security deposit, the respondent claimed that a sum of Rs. 3,000/- was recovered from him at the time of joining service and the same had not been refunded upon his retirement. The Management, in its counter, did not deny this specific claim and did not produce any documentary evidence to show that the amount had been refunded. The Labour Court noted the absence of rebuttal or proof from the Management and accepted the respondent's version. Accordingly, it directed the



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Management to refund Rs.3,000/- towards the security deposit.

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10. In view of the above discussion, the findings of the Labour Court with respect to the claims for incentive, social security scheme amount, refund of security deposit, and earned leave are well-reasoned and supported by evidence, and there is no ground to interfere with the impugned order under Article 226 of the Constitution. Accordingly, the writ petition is devoid of merit and is liable to be dismissed. However, considering that the Management had paid a substantial portion of the dues during the pendency of the proceedings, and that the dispute largely turned on interpretation and lack of documentation rather than deliberate default, this Court is of the view that the direction to pay costs of Rs. 2,000/- may be set aside to meet the ends of justice.

11. Further, although learned counsel for the petitioner sought relief from the cost imposed by the Labour Court, it is well settled that costs follow the event, and this Court has already confirmed the award of the Labour Court. It is also settled that no separate appeal lies solely against an order as to



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costs. However, Mr. Ajay Ghosh, learned counsel for the workman, has fairly submitted that his client would not press for recovery of the said amount. This statement is recorded.

12. Accordingly, the writ petition stands dismissed, and the impugned order is confirmed in all respects, except to the extent it directs payment of costs of Rs.2,000/-, which shall stand set aside. There shall be no order as to costs in this writ petition. Consequently, the connected miscellaneous petition is closed.

16.04.2025

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NCC : Yes / No

Index : Yes / No

Internet : Yes / No

To

The Additional Labour Court,
Coimbatore.



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