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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.07.2025

CORAM:

THE HONOURABLE MR. JUSTICE P.DHANABAL

W.P.No.8271 of 2022
and WMP.No.8250 of 2022

The Managing Director,
Tamil Nadu State Transport Corporation,
No.12, Ramakrishna Road,
Salem – 7.

... Petitioner

Vs

C.Vanchinathan

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, to call for the records pertaining to the award dated 10.05.2018 made in C.P.No.67 of 2016 on the file of the learned Labour Court, Salem and quash the same.

For Petitioner : Mr.K.Raja, Senior Counsel, TNSTC

For Respondent : M/s.T.Pichappa

**ORDER**

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This Writ Petition has been filed to quash the order passed by the Labour Court, Salem in C.P.No.67 of 2016 dated 10.05.2018.

2. The learned counsel appearing for the petitioner would submit that the respondent was appointed as Tradesman on 05.11.1985. He got superannuated from service on 31.03.2015. While so, the respondent preferred a claim petition before the Labour Court, Salem, claiming benefit under Settlement for the period from 01.09.2013 to 31.08.2016. He also claimed 106 days as surrendered leave. The petitioner/management has filed a counter, stating that without getting any approval from the management, they filed working sheet of revised pay fixation stating that the revised salary of the employee is Rs.14,290/- from 13,800/-. Pursuant to the same, the Labour Court has passed the impugned order. In fact, no such revision has been made by the petitioner/corporation and there is no entry in the Service Register and no proceedings was issued by the management in the said revision. Without knowledge of the management, the said working sheet of the revised pay fixation was filed before the Labour Court. Therefore, the management, later issued charge memo to the respondent. In the meantime, the leave salary of 90 days and encashment of



leave salary of 92 days were also erroneously encashed by the respondent.

Therefore, he made double claim before the Labour Court. Hence, the award passed by the Labour Court, Salem is liable to be quashed.

3. The learned counsel appearing for the respondent would submit that the respondent joined duty with the petitioner on 05.11.1985 and thereafter, he attained superannuation on 31.03.2015. As per the settlement between the petitioner/management and Union under Section 12(3) of the Industrial Dispute Act for the period from 01.09.2013 to 31.08.2016, the revised pay has not been paid to the respondent and he filed a claim petition before the Labour Court, Salem. The Labour Court after considering the evidences adduced by both sides passed the award for a sum of Rs.42,889/- , for the difference amount of the revised pay. Prior to that, the respondent filed an application before the Gratuity Authority and the same was also paid based on the revised pay of Rs.14,290/- as basic salary, where the respondent has not raised any objection and already the authority passed the order to pay gratuity based on the revised salary of Rs.14,290/- and calculated gratuity amount of Rs.5,96,552/- and the same was also paid by the petitioner. Even now, the petitioner has not produced any documents to prove that the respondent is entitled only the revised pay as assessed by the



petitioner and what kind of calculation error was made by the respondent.

Therefore, only to delay the payment, he has filed this writ petition.

4. Heard both sides and perused the materials available on record.

5. It is an admitted fact that before the Labour Court, the petitioner/management filed counter and based on the counter, the Labour Court computed the amount. Now the petitioner/management taken a plea that the counter was filed without the knowledge of the management and the counter was filed by then Assistant Manager (Admin). Even now, the respondent has not produced any documents about the payment to the respondent and no records have been produced by the petitioner to substantiate its contention and only they pleaded in the writ petition. Without any sufficient proof, it is not appropriate to accept the contention of the writ petitioner. More over, it is an admitted fact that already the Gratuity Authority has passed an order to pay gratuity amount by taking the revised salary of Rs.14,290/- that was also hotly contested by the petitioner where the petitioner has not raised any objection and no appeal was



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preferred as against the order of the Controlling Authority under the payment of Gratuity Act.

6. Moreover, the Labour Court passed the order on 10.05.2018 and the writ petition has been filed in the year 2022 and there is no whisper about when they came to the knowledge about the error committed by the person who filed counter before the Labour Court, Salem and no documents have been filed to prove the actual salary of the respondent. There is a huge delay in filing this writ petition and no proper explanation on the side of the petitioner for the delay. Therefore, at this stage, it is not appropriate to accept the contention of the petitioner and this petition has no merits and deserves to be dismissed.

7. In the result, this writ petition is dismissed. No costs. Consequently connected Miscellaneous Petition is closed.

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To

1. The Labour Court,
Salem.



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P.DHANABAL, J.,

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