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W.P.No.8568 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED : 08.04.2025**

CORAM :

THE HONOURABLE MR. JUSTICE **M. DHANDAPANI**

**W.P.No.8568 of 2019**  
**and**  
**W.M.P.No.9086 of 2019**

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

Vs.

R.Vellingiri ... Respondent

**Prayer :** Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari, calling for the records relating to the order dated 01.10.2018 passed by the Principal Labour Court, Coimbatore in C.P.No.367 of 2013 and to quash the same.

For Petitioner : Mr.A.Sundaravadhanan

For Respondent : Mr.Ajoy Khose

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## **ORDER**

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This Writ Petition has been filed by the petitioner seeking for a Writ of Certiorari, to call for the records of the order passed by the Principal Labour Court, Coimbatore in C.P.No.367 of 2013 dated 01.10.2018 and quash the same.

2. Shorn of unnecessary details, the facts necessary for the disposal of this writ petition are as follows:

The respondent workman was employed as a permanent conductor under the petitioner Corporation from the year 1985. While so, he filed a computation petition u/s 33(C)(2) of the Industrial Disputes Act, 1947 (in short 'the ID Act') before the Principal Labour Court, Coimbatore in C.P.No.367 of 2013 claiming a sum of Rs.1,76,471/- stating that he had been compelled to work on rest days and that he had been working on 31 days per month without any rest or leave for single wages only and the Labour Court passed the impugned order, dated 01.10.2018, directing the petitioner to pay a sum of Rs.83,632/- towards double wages to the respondent workman for the period from 01.05.2004 to 24.11.2012. Challenging the same, the petitioner Corporation has filed



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the present writ petition.

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3. Learned counsel appearing for the petitioner contended that the respondent has filed the computation petition only in the year 2013 claiming total wages of Rs.1,76,471/- for the period from 01.05.2004 to 24.11.2012, however no particulars were provided before the labour court. Further, the claim made in the computation petition is only based on the information received through RTI application, however the RTI application will not give any pre-existing rights to the respondent to file CP before the labour court. However, without appreciating the above, the labour court has granted double wages, which is clearly against the provisions of Section 33(C)(2) of the Act. Therefore, the same deserves to be interfered with.

4. Per contra, learned counsel appearing for the respondent submits that the respondent has worked as a permanent conductor in the petitioner Corporation and he has to work only for eight hours per day. However, the petitioner Corporation has extracted double duty per day, without providing any rest to the respondent and the same will be seen



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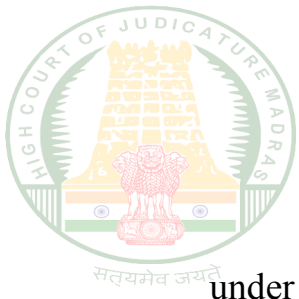
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from the information obtained through RTI application. Based on the said RTI application, the respondent has filed the CP. The aforesaid aspects have been clearly considered by the labour court while passing the impugned order. Therefore, no interference is warranted.

5. Heard the learned counsel appearing for the parties and also perused the materials available on record.

6. The main aim of the Section 33(C)(2) of the ID Act is only for creating a mechanism for providing the benefits with regard to the pre-existing rights to an employee, which are computable in terms of money. 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. Therefore, 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.

7. In the present case, the respondent employed as a conductor



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under the petitioner Corporation and in the year 2013, he filed CP before the labour court on the ground that he worked in the rest hours from 01.05.2004 to 24.11.2012 for a period of 333 days. However, there was a Government Order in G.O.(D).No.41, Transport (C1) Department, dated 16.03.2007, in which in order to over come the shortage of crew, the government has increased the norm of conductor and driver from 2.5 per bus to 2.625 per bus and 0.30 as reserve conductor driver per bus. Though the respondent claims that he worked on rest days from 01.05.2004 to 24.11.2012, he should have filed the CP at the relevant point of time itself. However, claiming double wages for a period of eight years is not sustainable. Such being the case, no right accrues to the respondent to claim double wages. In the absence of any right accruing to the respondent, the petition u/s 33(c)(2) of the Act claiming double wages itself is erroneous as such a petition could be maintained only where a pre-existing right is available to the respondent to have a benefit computed in terms of monetary consideration. In the present case, no such pre-existing right was available to the respondent which could be computed in terms of monetary consideration and when there is no specific direction for payment of backwages, the labour court ought not to



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have entertained the computation petition and ordered payment of double wages. However, ignoring the elemental question with regard to the power of the Labour Court with regard to adjudication of a claim under Section 33(C)(2), the Labour Court had partly allowed the computation petition, awarding double wages for the period from 01.05.2004 to 24.11.2012 to the tune of Rs.83,632/- in favour of the respondent workman. The exercise adopted by the labour court is arbitrary, perverse and unreasonable and the same does not deserve to be sustained.

8. For the reasons stated above, this Writ Petition is allowed and the impugned order dated 01.10.2018 passed by the Principal Labour Court, Coimbatore in C.P.No.367 of 2013 is set aside. No costs. Consequently, the connected miscellaneous petition is closed.

**08.04.2025**

Index : Yes / No  
Speaking order / Non-speaking order  
Neutral Citation Case : Yes / No  
sp

To

The Presiding Officer,  
Principal Labour Court,

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**M.DHANDAPANI, J.**

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