



W.P.No.10959 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : **25.07.2025**

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THE HONOURABLE MR.JUSTICE **P.DHANABAL**

**W.P.No.10959 of 2022**  
**and WMP.No.10549 of 2022**

The General Manager  
Tamil Nadu State Transport  
Corporation Ltd, (TNSTC)  
Salamedu, Vazhutha Reddy  
Villupuram  
Tamil Nadu.

.... Petitioner

Vs

P.Rangasamy

.... Respondent

**PRAYER:** Writ Petition is filed under Article 226 of the Constitution of India, for the issuance of Writ of Certiorari, to call for the records relating to the Award made in C.P.No.20 of 2019 dated 29.03.2021 on the file of the Labour Court, Cuddalore and quash the same.

For Petitioner : Mr.T.Chandrasekaran

For Respondent :Mr.D.Babu Varadharajan



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## **ORDER**

**WEB COPY** This writ petition has been filed to quash the order passed by the Labour Court, Cuddalore in C.P.No.20 of 2019 dated 29.03.2021. Before the Labour Court, the respondent herein filed a claim petition claiming a sum of Rs.9,65,243/- and the same was allowed by the Labour Court. Aggrieved by the said order, the management has filed this writ petition.

2. The learned counsel for the petitioner would submit that the respondent was working under the petitioner management on temporary basis and he filed a petition before the Assistant Commissioner of Labour seeking for permanent status and the same was granted in favour of the respondent in Pa.Mu.No.2541 of 2017 dated 03.12.2018. Challenging the above said order of the labour court, the petitioner management filed a writ petition in W.P.No.27290 of 2019, which is pending. While so, the Labour Court allowed the claim petition filed by the workman, without considering the pendency of the writ petition in respect of respondent's permanent status.



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2.1. It is further submitted by the learned counsel for the petitioner

that the respondent-workman has been granted permanent status on 01.01.2012. Before the Labour court, the management calculated the working sheet with regard to wages of the respondent-workman from 01.01.2012 onwards and the same was marked as Ex.M4; but the said calculated memo was not considered by the Labour Court. However, based on the calculation given by the respondent on par with another employee, the Labour Court computed the petition.

2.2. The next contention of the learned counsel for the petitioner-management is that though before the Labour Court, no witnesses were examined on behalf of the management side, they marked Ex.M1 to M5. Ex.M4 is the salary particulars of the respondent. But the Labour Court, without considering the same, allowed the claim petition and wrongly calculated the arrears of wages. The respondent is only entitled to Rs.4,29,708.95/- as per the working sheet, which is marked as Ex.M4; but without any supportive documents and materials, the Labour Court passed the impugned computation order. Therefore, the order passed by the Labour Court is liable to be set aside.



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**WEB COPY** 3. The learned counsel for the respondent-workman would submit that the respondent joined services of the petitioner management in the year 2010 and continuously worked for 480 days in 24 calendar months. Consequently, the respondent approached the authority under the Conferment of Permanent Status to Workmen) Act, 1981, for permanent status and the same was allowed. However, the petitioner has not paid the calculated amount as per the direction of the authority, even though permanent status was granted to the respondent. Therefore, the workman filed a claim petition seeking Rs.9,65,243/-. Before the Labour Court on the side of petitioner management no witnesses were examined; only Exhibits M1 to M5 were marked. Document marked as Ex.M.4 is not the correct one. The Labour Court passed a reasoned order by stating that Exhibit M4 was marked without any explanation and without fixing the salary to the respondent. Therefore, the Labour Court calculated the salary based on a co-employee's wages and allowed the claim petition. Therefore, the writ petition is liable to be dismissed.

4. This Court heard both sides and perused the records.



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**WEB COPY** 5. In this case, there is no dispute that the respondent-workman was granted permanent status from 01.01.2012. According to the petitioner, the respondent is entitled to wages as shown in Ex.R4. According to the respondent, no basic pay or dearness allowances was fixed after 31.01.2012. Therefore, the pay of a co-employee was taken for fixing wages to the respondent. Before the Labour Court, the petitioner has produced the salary details as Ex.R4. As per Ex.R4, the respondent was absented for some period and he has non qualified service. The Labour Court, without considering Ex.R4, simply relied on the co-employee's salary. According to the petitioner, there were some non qualified service periods, and the said point was not considered by the Labour Court.

6. This Court has also perused the entire records, including the order passed by the Labour Court. The Labour Court stated that Ex.R4 was filed without explanation for the period from 01.01.2012 to 31.12.2019, and that basic pay and the dearness allowances had not been fixed. However, upon perusal of Ex.R4, basic pay, grade pay, dearness



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allowances and HRA are mentioned for each year. Therefore, this court is of the view that the Labour Court has not considered Ex.R4 in a proper manner. The Labour court, without fixing wages for the respondent in respect of the period of service where he had non qualified service taken the salary of a co-employee and computed the salary in an inappropriate calculation. Especially in respect of salary, when there are non qualified service period for this respondent, the order passed by the Labour Court taking into account the co-employee salary, is not appropriate.

7. Therefore, to meet the ends of justice, it is appropriate to remand the matter for fresh consideration by affording an opportunity to both sides to adduce evidences in respect of Ex.R4. Thereafter, the Labour Court is directed to compute the amount after affording an opportunity to adduce evidences in respect of Ex.R4 and fix the salary of the respondent and compute the amount. The aforesaid exercise shall be carried out within three months from the date of receipt of a copy of this order.

8. Based on above discussion, this writ petition is allowed and the order passed by the Labour Court dated 29.03.2021 passed in C.P.No.20



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of 2019, is set aside and the matter is remanded back to the Labour Court

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for fresh consideration. No costs. Consequently, connected miscellaneous petition is closed.

**25.07.2025**

Index : Yes/No

Neutral citation : Yes/No

mpa

To

The Labour Court, Cuddalore



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**P.DHANABAL,J.**

Mpa

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