



WEB COPY

WP No. 16105 of 2021



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24-04-2025

CORAM

THE HONOURABLE MR JUSTICE M.DHANDAPANI

WP No. 16105 of 2021

AND

WMP NOs. 17033 of 2021 & 23213 OF 2024

The Management
State Express Transport Corporation,
Gavundampalayam,
Coimbaore- 641 030.

Petitioner(s)

Vs

P.Mani

Respondent(s)

PRAYER: This writ petition has been filed under Article 226 of Constitution of India, to issue a writ of Ceriorari, Calling for the records relating to the order dated 12.02. 2020 passed by the Presiding Officer, Labour Court, Coimbatore in C.P. No.81 of 2017 and to quash the same as illegal.

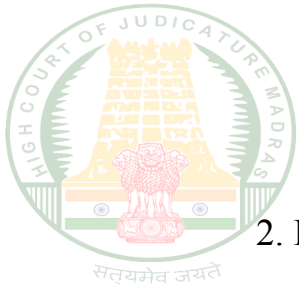
For Petitioner(s): Mr.K.KATHIRESAN

For Respondent(s): MR. BALASUBRAMANIAN

FOR M/S. P. SENTHIL

ORDER

The petitioner has filed this writ petition seeking to quash the order dated 12.02.2020 passed by the Presiding Officer in C.P.No.81 of 2017 under Section 33(c)(2) of the ID Act.



2. It is the case of the petitioner that the respondent herein was working as a Driver from 02.04.1992 in the petitioner Corporation and transferred from Coimbatore Depot to Ooty Depot in the newly formed J.J. Transport Corporation vide order dated 09.04.1994. The respondent did not join duty in the new Corporation and after conducting due enquiry, he was dismissed from service, for which, the respondent raised a dispute before the Labour Court and the same was dismissed. The respondent herein has challenged the award before this Court. Vide order dated 22.09.2011 this Court allowed the petition and set aside the award and directed the petitioner to reinstate the respondent with continuity of service and other attendant benefits. But back wages will be paid only from the year 1998 and he will be paid 50% of the back wages for the period of his non employment. The respondent herein filed a contempt petition before this Court for non implementing the order of this Court and the same was dismissed. Thereafter, the respondent filed a computation petition No.118 of 2012 before the Labour Court and the same was dismissed for non prosecution. Without restoring the said computation petition, the respondent filed another computation petition before the Labour Court and the same was allowed. Challenging the same, the petitioner has filed the present writ petition before this court.

3. The learned counsel appearing for the petitioner submitted that in the contempt petition, this court dismissed the same and granted liberty to the respondent to file an execution petition before the Labour Court. Without doing

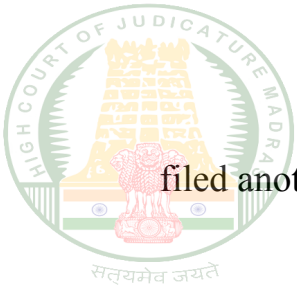


so, the respondent filed a computation petition and the same was dismissed for non prosecution. Instead of filing the restoration petition, the respondent has filed another C.P. Which is not maintainable. Without considering the same, the Labour Court has also passed an order, which is not sustainable and the same is liable to be quashed.

4. The learned counsel for the respondent submitted that the respondent has not implemented the order of the Labour Court in ID No.101 of 2000 itself. The respondent inadvertently filed computation petition instead of filing restoration petition.

5. Heard the learned counsel for the petitioner and the learned counsel for the respondent and perused the materials available on record.

6. Admittedly, the respondent was dismissed from service on 30.04.1994 for his unauthorised absent. Challenging the termination order, the respondent raised a dispute before the Labour Court and the same was dismissed. As against the order of the Labour court, the respondent again filed a writ petition before this Court and the same was allowed with a direction to the petitioner to reinstate the respondent to service with 50% backwages for his unemployment period. However, the respondent was not reinstated. Hence, the respondent filed a contempt petition before this Court. Subsequently, the respondent filed a computation petition before the Labour Court and the same was dismissed for non prosecution. Without filing the restoration petition, the respondent has again



filed another computation petition, which is not maintainable.

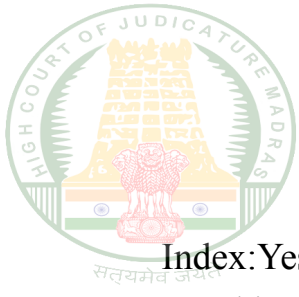
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7. However, the respondent has attained at the age of superannuation on 05.06.2015 and therefore, there is no question about reinstatement. Considering the facts and circumstances of the case and in order to quietus the issue, this Court modifies the award passed by the Labour Court. This Court directs the petitioner to pay 50% back wages from 1998 to 05.06.2015 without any interest within a period of four weeks from the date of receipt of a copy of this order and settle the terminal benefits, failing which, the petitioner is directed to pay the back wages along with 6% interest.

8. With the above modification, the writ petition is disposed of. Consequently, connected miscellaneous petition is closed. No costs.

24-04-2025

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To

The Presiding Officer, Labour Court, Coimbatore



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