



W.P.Nos.3747 & 3748 of 2016

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.03.2025

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P.Nos.3747 & 3748 of 2016
and
W.M.P.Nos.3120 & 3121 of 2016

The General Manager,
Tamilnadu State Transport Corporation (Salem) Ltd.,
Salem – 636 007. ... Petitioner in W.P.No.3747 of 2016

The Management,
Tamilnadu State Transport Corporation (Salem) Ltd.,
12, Ramakrishna Road,
Salem – 636 007,
Rep. by its General Manager ... Petitioner in W.P.No.3748 of 2016

Vs.

1.G.Selvamani ... 1st respondent in W.P.No.3747 of 2016

2.K.Ramachandran ... 1st respondent in W.P.No.3748 of 2016

3.The Presiding Officer,
Labour Court,
Salem. ... 2nd respondent in both petitions

Prayer in W.P.No.3747: Writ Petition filed under Article 226 of Constitution of India pleased to issue a Writ of Certiorari, calling for the records of the order passed by the 2nd respondent in C.P.No.253 of 2013



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dated 13.01.2015 and quash the same.

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Prayer in W.P.No.3748: Writ Petition filed under Article 226 of Constitution of India pleased to issue a Writ of Certiorari, calling for the records of the order passed by the 2nd respondent in C.P.No.232 of 2013 dated 23.04.2015 and quash the same.

For Petitioner : Mr.M.Aswin
(in both WPs)

For 1st respondent in : Mr.S.Tamilselvan
W.P.No.3747 of 2016

For 1st respondent in : Mr.S.Ayyathurai
W.P.No.3748 of 2016

For 2nd respondent : Labour Court
(in both WPs)

COMMON ORDER

Since both the writ petition are interconnected, with the consent of the learned counsel appearing for the parties, these writ petitions were heard together and disposed of by way of this common order.

2. For brevity, the petitioner in both the writ petitions is hereinafter referred to as "petitioner corporation", the 1st respondent in both the writ petitions are hereinafter referred to as "workmen" and the 2nd



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respondent in both writ petitions are hereinafter referred to as "labour court".

3. The workmen were dismissed from service on the charges of unauthorized absence for duty after due enquiry and subsequently, the petitioner corporation had filed the respective approval petitions before the Special Deputy Commissioner of Labour, Chennai seeking approval for the dismissal of the workmen u/s 33(C)(2) of the Industrial Disputes, 1947 (in short 'the I.D. Act'). However, the said approval petitions were dismissed on the ground that the prima facie of the case was not proved with witness in the domestic enquiry and the action taken against the 2nd respondent was unfair labour practice. Aggrieved by the same, the petitioner corporation has filed writ petitions before this Court in W.P.Nos.33174 of 2013 and 266 of 2014 and the same is still pending. In these circumstances, the workmen have filed C.P.Nos.253 and 232 of 2013 before the labour court seeking wages for the respective period and the labour court disposed of the said computation petitions vide impugned orders dated 13.01.2015 and 23.04.2015 with a direction to the petitioner corporation to pay a sum of Rs.3,43,643/- and Rs.4,21,356.40/-



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respectively as claimed by the workmen without prejudice to the outcome of the above said writ petitions within a period of 3 months with 6% interest, failing which, the said amount would carry 9% interest. Challenging the same, the petitioner corporation has filed these Writ Petitions before this Court.

4. Learned counsel for the petitioner corporation submitted that, the impugned orders passed by the labour court in the computation petitions is highly illegal and is passed on a misplaced sympathy. The labour court in a lighter manner has awarded the amount for the workmen who was deprived of their back wages and continuity of service. Even the amount was as minuscule one, the conduct of the workmen is the pivotal of the consideration. Accordingly, he prays for allowing these writ petitions.

5. Learned counsel appearing for the 1st respondent in W.P.No.3748 of 2016 submitted that, during the pendency of this writ petition, the writ petition in W.P.No.266 of 2014 filed by the petitioner corporation before this Court challenging the rejection of approval



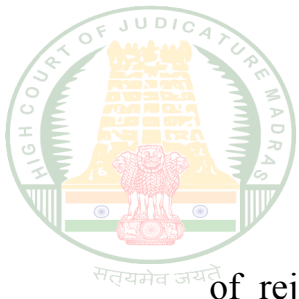
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petition filed by the corporation before the labour court, was disposed by this court vide order dated 20.02.2025 holding that for unauthorized absence, the order of dismissal is too harsh and the labour court has rightly dismissed the approval petition. Hence, the order passed by the labour court in the respective computation petitions does not require any interference.

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

7. Admittedly, for the alleged misconduct of unauthorized absence, the workmen were dismissed from service. Thereafter, the petitioner corporation filed approval petitions and the same was rejected by the labour court, against which, the petitioner corporation has filed writ petitions. Pending writ petitions, the workmen filed computation petitions and the same was ordered in favour of the workmen, against which, the petitioner corporation has filed the present writ petitions. During pendency of the present writ petitions, this court dismissed one of the writ petitions filed by the petitioner corporation challenging the order



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of rejection of approval petitions, holding that for the misconduct of unauthorized absence, the order of dismissal is too harsh and the labour court has rightly dismissed the approval petition, which does not warrant any interference. Since the order of dismissal was set aside by the labour court and the same was upheld by this court, the workmen are entitled to receive wages for the respective period claimed by them. Hence, the labour court has arrived at a conclusion that the workmen are entitled to receive wages for the non-employment period and passed the impugned orders in favour of the workmen, which cannot be said to be illegal, perverse or arbitrary. Therefore, this Court is not inclined to interfere with the impugned orders.

8. Accordingly, these Writ Petitions are dismissed. No costs.

Consequently, the connected writ miscellaneous petitions are closed.

18.03.2025

Index : Yes / No

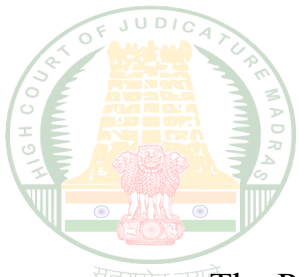
Speaking order / Non-speaking order

NCC:Yes/No

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M.DHANDAPANI, J.

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