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W.P. No.18167 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.07.2025

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THE HONOURABLE Mr. JUSTICE P.DHANABAL

W.P. No.18167 of 2022
and W.M.P. No.17501 of 2022

The Metropolitan Transport Corporation,
represented by its Managing Director,
No.1, Pallavan Salai, Chennai - 600 002. .. Petitioner

vs.

J.S. Charles Selvadurai S/o. S. John Subramanian .. Respondent

PRAYER: The Writ petition filed under Article 226 of the Constitution of India seeking to issue a Writ of Certiorari calling for the records pertaining to the order passed in C.P. No.24 of 2021 dated 28.03.2022 on the file of the II Additional Labour Court, Chennai and to quash the same.

For Petitioner : Mr. C. Gauthamaraj
For Respondent : Mr. D.Sounthar Raj

ORDER

This Writ petition has been filed to quash the order passed by the II Additional Labour Court, Chennai in C.P. No.24 of 2021 dated 28.03.2022, wherein the respondent herein has filed a Computation Petition as per the order passed by the Labour Court in I.D. No.779 of 2010. The Labour Court computed the amount to the tune of Rs.33,82,925/-. Aggrieved by the said



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order, the present Writ petition has been filed.

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2. The learned counsel for the petitioner would submit that the respondent was working as Junior Tradesman with effect from 21.10.1998. While so, on 21.11.2007, he misbehaved with the Branch Manager and thereby, a Charge Memo was issued and thereafter, a domestic enquiry was conducted and based on the domestic enquiry report, he was terminated from service on 30.05.2008. Challenging the said termination order, the respondent raised an industrial dispute in I.D. No.779 of 2010 before the II Additional Labour Court and the same was allowed and the petitioner was directed to reinstate the respondent into service without any backwages. Thereafter, the petitioner preferred a Writ petition in W.P. No.27316 of 2014 and the same was dismissed through an order dated 09.12.2019 and the petitioner reinstated the respondent from 21.10.2020. Thereafter, the respondent filed a Claim Petition in C.P. No.24 of 2021 by claiming towards backwages of Rs.32,11,792/- and bonus and other charges as Rs.1,77,433/- for nearly 10 years. The Labour Court wrongly computed the amount and ordered to pay Rs.33,82,925/-.

2.1. In fact, the Labour Court failed to consider that there was no salary



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slip for the claim petition and the respondent suomoto filed the claim petition based on the co-employee's salary without producing the salary particulars of the co-employee. Therefore, the quantum arrived by the Labour Court is not correct and the same is liable to be quashed. Moreover, the Labour Court calculated the amount of bonus and leave salary, which are not entitled to the respondent. Therefore, the order is liable to be set aside.

3. The learned counsel appearing for the respondent would submit that the petitioner Management dismissed the respondent from service through an order dated 30.05.2008 and the same was challenged through an I.D. No.779 of 2010 and the same was allowed by directing the petitioner to reinstate the respondent into service with continuity of service and without backwages. Thereafter, the petitioner filed a Writ petition and the same was dismissed on 09.12.2019. Thereafter, the respondent was reinstated into service and the entire wages were not paid. The respondent is entitled to backwages from the the date of Award of the Labour Court till the date of reinstatement. The respondent is entitled for the backwages based on the settlement under Section 12(3) of the Industrial Disputes Act. The respondent calculated his wages along with bonus and other allowances at Rs.33,89,225/-. The petitioner has not filed any details for calculating the arrears wages amount. Therefore, the



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Labour Court based on the settlement, fixed the salary of the respondent and awarded a sum of Rs.33,89,225/- towards arrears of salary, bonus and leave salary. Therefore, the order passed by the Labour Court is in order and the present Writ petition is liable to be dismissed.

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

5. In this case, there is no dispute that already an Award was passed in favour of the respondent in I.D. No.779 of 2010 dated 07.03.2014. As per the Award, the petitioner was directed to reinstate the respondent into service with continuity of service without backwages. Thereafter, the petitioner filed a Writ petition in W.P. No.27316 of 2014 and the same was dismissed. Thereafter, the petitioner had reinstated the respondent into service on 12.11.2020. There are no records to show that what was the salary given to the respondent. The respondent calculated his salary at Rs.12,700/- as Basic Pay, Rs.2,200/- Grade Pay, Rs.12,700/- as Dearness Allowance, Rs.1,400/- as House Rent Allowance, Rs.400/- as City Compensatory Allowance and Rs.300/- as Medical Allowance. There are no records to show how that amount was arrived by the respondent. The petitioner has also not produced



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any document. However, before this Court, they produced the calculation Memo. As per the calculation Memo, the basic pay is Rs.8,705/-, Grade Pay Rs.1,800/-, Dearness Allowance is Rs.10,505/-, House Rent Allowance - Rs.1,000/-, City Compensatory Allowance - Rs.250/- and Medical Allowance is Rs.100/-. Therefore, there are differences between the calculation memos filed by both the parties.

6. The Labour Court, also without ascertaining the salary of the respondent from the date of the order of the Labour Court till the date of reinstatement, simply allowed the calculation made by the respondent without any basis and also allowed the bonus and leave salary. According to the petitioner, when the respondent was not actually working, the leave salary and bonus are not entitled to the respondent. Therefore, it is appropriate to remand back the matter for fresh disposal by the Labour Court for fixing the salary of the respondent from the date of Award of the petitioner till the date of reinstatement and thereafter, the Labour Court has to compute the amount. The petitioner is at liberty to file appropriate documents in respect of the salary of respondent for the contemporary period.

7. With the above said directions, this Writ petition is ***allowed by***



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setting aside the award of the Labour Court and the matter is remanded back to the Labour Court for fresh disposal. The Labour Court is directed to dispose the case within **2 (two) months** from the date of receipt of a copy of this order. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

18.07.2025

Index : Yes/No.
Speaking order/non-speaking order
mjs

To

The Presiding Officer,
The II Additional Labour Court, Chennai.

P. DHANABAL, J.,

mjs



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