



W.P.No.18512 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : **22.07.2025**

CORAM

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

W.P.No.18512 of 2022
and WMP.No.17862 of 2022

The Management,
Metropolitan Transport Corporation,
(Chennai Limited),
Anna Salai, Chennai.

.... Petitioner

Vs

P.Haridoss

.... 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 pertaining to the order passed in C.P.No.51 of 2019 dated 23.03.2022 on the file of the II Additional Labour Court, Chennai and quash the same.

For Petitioner : Mr.C.Gauthamaraj
for Mr.A.Vinothraj

For Respondent :Mr.S.T.Varadarajalu



W.P.No.18512 of 2022

ORDER

WEB COPY This Writ Petition has been filed to quash the order passed by the II Additional Labour Court, Chennai in C.P.No.51 of 2019 dated 23.03.2022, wherein the respondent herein has filed Computation Petition and the same was allowed. Aggrieved by the said order, the present Writ Petition has been filed by the Management.

2. The learned counsel for the petitioner would submit that the respondent was appointed as a conductor on 04.06.1997. The respondent was a habitual absentee and violated the certified standing order. He was unauthorizedly absent from duty from 03.10.2007, for which, a domestic enquiry was conducted and thereafter he was terminated from service on 24.01.2008. Thereafter, the management filed an approval petition, and the same was rejected. As against the rejection order, the petitioner management preferred Writ Petition in W.P.No.3962 of 2016. This Court passed an order in the writ petition setting aside the order passed in the Approval Petition, holding that the order of dismissal from service was too harsh and thereby awarding a lesser punishment, the matter was remitted back to the disciplinary authority. However, directed the



W.P.No.18512 of 2022

petitioner management to remit the provident fund, and there is no any specific order was passed in respect of back wages or continuity of service. Thereafter, the respondent workman filed a computation petition claiming back wages, and the Labour Court erroneously computed the amount and awarded a sum of Rs.24,31,092.30/-. This Court in W.P.No.3926 of 2016 has not awarded the back wages. Therefore, without any order for back wages, the Labour Court compute the amount. Therefore, the order passed by the Labour Court is liable to be quashed.

3. The learned counsel for the respondent would submit that the petitioner management conducted a domestic enquiry against the respondent, alleging unauthorized absence, and subsequently, awarded punishment of removal from service. The Management filed an Approval Petition before the Approval Authority in A.P.No.395 of 2011 and the same was rejected. Thereafter, the petitioner management filed a writ petition in W.P.No.3926 of 2016, where this Court set aside the order passed by the approval authority and remanded the case for awarding a lesser punishment. At that time, at the request of the petitioner's counsel for payment of Employees Provident Fund (EPF) amount, this Court



W.P.No.18512 of 2022

directed the employer to pay the EPF amount. Once the Court set aside an order and approval is not granted, the employee is deemed to be in service. Therefore, awarding continuity of service and back wages would not arise in the approval petition. The Court would only order reinstatement and back wages if approval had been granted. The Court directed the employer to pay the EPF amount based on the request made by the petitioner's counsel. This does not mean the petitioner is not entitled to continuity of service. Therefore, the Labour Court correctly computed the amount. Moreover, the management had already filed a review petition against the order passed by this Court in a similar dismissal case, which was dismissed, and this Court declined to deny back wages, directing the management to negotiate with the employees. Thus, since this Court already dismissed the review application concerning the denial of back wages, the Labour Court passed a reasoned order, and the present writ petition is liable to be dismissed.

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

5. In this case, the Management awarded punishment by



W.P.No.18512 of 2022

dismissing the petitioner from service pursuant to the disciplinary enquiry. Subsequently, the petitioner management filed an application for approval before the Labour Officer, and the same was declined. The management then filed a Writ Petition in W.P.No.3926 of 2016, where this Court set aside the order passed by the approval authority that declined to grant approval and also the punishment of dismissal from service. Therefore, as per the judgment of this Court in W.P.No.3926 of 2016 dated 09.06.2017, the punishment awarded to the workman was set aside, and the matter was remitted back for a minor punishment to be imposed. Consequently, the petitioner was deemed to be in service since approval was not granted and the punishment had already been set aside by this Court. Therefore, the question of reinstatement and back wages does not arise.

6. The Labour Court also computed the amount, holding that while setting aside the order passed by the Labour Commissioner in the Approval Petition, the Hon'ble High Court did not accept and uphold the dismissal of the petitioner from service, and there is no any specific order passed by the High Court that the workman was not entitled to back



W.P.No.18512 of 2022

wages. As per the standing orders of the management, minor punishments are described as a fine and censure. Therefore, there cannot be any deprivation of back wages or other benefits without a specific order. This Writ Petition has been challenged only on the aspect of entitlement to back wages and there is no any dispute in respect of the quantum of the amount. The Labour Court also computed the amount after deducting the bonus. Therefore, the award passed by the Labour Court by computing the amount for back wages is correct and it does not warrant interference.

7. In view of the aforesaid discussions, this Court is of the opinion that this writ petition has no merits and deserves to be dismissed. Accordingly, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

22.07.2025

Index : Yes/No
Neutral citation : Yes/No
mpa



W.P.No.18512 of 2022

To
WEB COPY

The II Additional Labour Court, Chennai.



WEB COPY



W.P.No.18512 of 2022

P.DHANABAL,J.

mpa

W.P. No.18512 of 2022
and WMP.No.17862 of 2022

22.07.2025