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W.P.No.3357 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.02.2025

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.3357 of 2014

And

M.P.No.1 of 2014

The Management,
Tamilnadu State Transport Corporation Ltd.
(Villupuram Ltd.)
Ranagapuram,
Vellore 632 009.
Vellore District.
Rep. by its General Manager

... Petitioner

Vs.

1.The Presiding Officer,
Principal Labour Court,
Vellore.

2.K.Rangasamy
3.C.Kokila
4.C.Vaideki
5.Santhosh
6.Sathish

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari to call for the records of the first respondent's award made in C.P.No.63 of 2012 dated 28.03.2013 and to quash the same as illegal and against the provisions of the Industrial Disputes Act, 1947.



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For Petitioner : Mr.M.Aswin
for M/s.P.Paramasiva Doss
For Respondents : R1 – Court
R2 to R6 – No Appearance

ORDER

The petitioner has filed this writ petition seeking issuance of Writ of Certiorari to call for the records of the first respondent's award made in C.P.No.63 of 2012 dated 28.03.2013 and to quash the same as illegal and against the provisions of the Industrial Disputes Act, 1947.

2.The facts of the case in brief is that the private respondents are the legal heirs of one R.Chakkaravarthy, who was employed as Conductor in the petitioner Corporation since January, 1990 and terminated from service vide order dated 01.09.1999. Aggrieved by the termination, the said R.Chakkaravarthy raised industrial dispute in I.D.No.17 of 2006 before the Labour Court and during the pendency of the industrial dispute, he died. Thereafter, the private respondents were impleaded in the industrial dispute and on 16.03.2011, the Labour Court passed award directing the petitioner to pay full backwages and all other attendant benefits to the private respondents from the date of termination of Chakkaravarthy, 01.09.1999 till his



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death on 10.08.2006 and since the said award was not complied, the private respondents filed computation petition under Section 33 C (2) of the Industrial Disputes Act for computation of monetary benefits to the tune of Rs.4,50,900/- towards arrears of backwages and the Labour Court passed the impugned order directing the petitioner to pay a sum of Rs.4,50,900/- to the private respondents. Challenging the same, the petitioner has filed this writ petition.

3.The learned counsel appearing for the petitioner submitted that the calculation submitted by the private respondents was not correct and the said issue was not properly adjudicated by the Labour Court and hence the impugned order is not sustainable one.

4.Heard the learned counsel appearing for the petitioner. Though the name of the respondents 2 to 6 were printed in the cause list, there is no representation. Considering the pendency of the writ petition, this Court is inclined to proceed with the case and decide the same based on the materials available on record.

5.Admittedly, the second respondent is the Father, third respondent is the wife, fourth respondent is the daughter, respondents



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5 and 6 are the sons of one Chakkaravarthy, who was employed as Conductor in the petitioner Corporation since January, 1990 and terminated from service vide order dated 01.09.1999 and aggrieved by the same, the said R.Chakkaravarthy raised industrial dispute in I.D.No.17 of 2006 before the Labour Court and since he died during the pendency of the industrial dispute, the private respondents were impleaded in the industrial dispute and the Labour Court after adjudication passed award directing the petitioner to pay full backwages and all other attendant benefits to the private respondents from the date of termination of Chakkaravarthy, 01.09.1999 till his death on 10.08.2006. It is equally undisputed fact that the private respondents did not challenge the said award before any other forum and since the said award was not complied, they filed computation petition under Section 33 C (2) of the Industrial Disputes Act for computation of monetary benefits to the tune of Rs.4,50,900/- towards arrears of backwages on account of the death of R.Chakkaravarthy for the period from 01.09.1999 to 10.08.2006. The petitioner did not produce any evidence disputing the said amount before the Labour Court and hence, the finding rendered by the first respondent in the computation petition need not be interfered with.



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6.The writ petition is dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

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Index: Yes/ No
Speaking Order: Yes/ No
NCC: Yes/ No

To

1.The Presiding Officer,
Principal Labour Court,
Vellore.



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M.DHANDAPANI,J.
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