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WA No. 3214 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03-11-2025

CORAM

THE HON'BLE MR JUSTICE R. SURESH KUMAR

AND

THE HON'BLE MR.JUSTICE HEMANT CHANDANGOUDAR

W.A No. 3214 of 2025

K.Alfred

S/o. S.K.Dharmaraj, New No.34/2, Old No.109/2, East
Vanniar Street, KK Nagar-West, Chennai-600 078

..Appellant

Vs

The Management Of Metropolitan Transport
Corporation(mtc)
Represented by its Managing Director, Pallavan Salai,
Chennai-600 002

..Respondent

Prayer : Writ Appeal under Clause XV of the Letters Patent to set aside the final order passed in Writ Petition No.18058 of 2015 dated 24.07.2017 as illegal and pass such other orders or direction are deemed fit and proper in the facts and circumstances of the case and thus render justice.

For Appellant : K.Alfred
(Party In Person)

For Respondent : Mr.C.Gauthamaraj
Standing Counsel



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Judgment

(Judgment of the Court was delivered by R.Suresh Kumar J.)

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This intra Court appeal has been directed against the order passed by the learned Writ Court dated 24.07.2017 made in W.P.Nos.18058, 18301 and 31205 of 2015.

2. The appellant appeared party-in-person. He was an employee of the respondent Transport Corporation and he sought for terminal as well as pensionary benefits. In this regard, he filed three writ petitions ie., W.P.Nos.18058, 18301 and 31205 of 2015. All the three writ petitions came to be decided in a common order dated 24.07.2017. The relevant portion of the said common order passed by the Writ Court reads thus,

“ 12. Further, it is true that the petitioner, after a lapse of 18 years, had raised the industrial dispute. However, the labour Court taking into consideration, non-holding of enquiry after issuing show cause notice on 11.06.1993 and submission of explanation by the petitioner on 24.06.1993, held that the termination order is in violation of Section 25F of I.D., Act 1947 relying upon the judgment of the Full Bench of the Honourable Supreme Court rendered in *D.K.Yadav V.J.M.A.Industries Limited* reported in 1993 III SCC 253 and the judgment of this Court rendered in *Management of K.S.B.Pumps Limited, Coimbatore and another vs.Presiding Officer, Labour Court, Coimbatore and Others* reported in 2012 4 LLJ 703. Eventhough the industrial dispute was raised after 18 years of service, taking into consideration the violation of mandatory provision, namely Section 25F of the I.D.Act, 1947, the Labour Cour



was right in setting aside the order of removal from service. Therefore, the order passed by the labour Court in this regard is justified.

13. Usually, Courts would order reinstatement with full backwages with all attendant benefits and continuity of service, if the order of termination is set aside as illegal. However, considering the termination from service on 03.12.1993 and the petitioner moving the Conciliation Officer, only on 25.10.2010 and filing the industrial dispute subsequently on 04.01.2011 nearly after 18 years and also the fact that the petitioner was aged about 56 years on the date of passing of the award, on 11.09.2013 and further that the petitioner had not properly explained there was a family problem either orally or by producing documents, due to which there was delay in raising the industrial dispute, the labour Court, instead of ordering reinstatement, directed the Management to pay compensation of Rs.2 lakhs. Though the decision of the Labour Court is based on cumulative consideration of all material points, awarding of compensation in lieu of reinstatement to the tune of Rs.2 lakhs is inadequate. It is, in fact, true that the petitioner has belatedly filed the industrial dispute. However, the sum of Rs.2 lakhs awarded as compensation does not seem to be appropriate and reasonable. Hence, in an endeavour to do complete justice, this Court enhances the compensation awarded by the Labour Court from Rs.2 lakhs to Rs.5 lakhs.

14. In fine, the award of the labour court is confirmed except enhancing the compensation payable from Rs.2 lakhs to Rs.5 lakhs. W.P.No.18058 of 2015 filed by the petitioner and W.P.No.31025 of 2015 filed by the management are dismissed. W.P.No.18301 of 2015 stands disposed of. No costs. Connected M.P.is closed."



3. As against the said order passed by the Writ Court dated 24.07.2017, three writ appeals were filed, ie., W.A.Nos.1325 and 1326 of 2017 were filed by the respondent Management against the common order passed in W.P.Nos.21205 and 18301 of 2015 respectively. Simultaneously, the appellant-in-person also filed W.A.No.1441 of 2016, of course against the said common order dated 24.07.2017 made in W.P.No.18301 of 2015.

4. Those three writ appeals, two filed by the management and one filed by the employee, ie., the present appellant / writ petitioner were heard together and disposed of by a common order of the Division Bench dated 29.11.2018 wherein the Division Bench ultimately has passed the following order:

" 29. This Court, on an independent application of mind to the entire materials placed, is of the considered view that there is no error apparent on the face of the record or infirmity in the reasons assigned by the learned Judge in enhancing the compensation payable to the writ petitioner/Party-in-person. The learned Judge has also taken note of the fact that the writ petitioner/Party-in-person had approached the Labour Court nearly after 18 years from the date of removal from service and exercised his discretion and thought fit to enhance the compensation from Rs.2 Lakhs from Rs.5 Lakhs.

30. In the result, these Writ Appeals are dismissed, confirming the order dated 24.07.2017 made in W.P.Nos. 18058, 18301 and 31205 of 2015. No costs.



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31. It is also brought to the knowledge of this Court by the learned counsel counsel appearing for the appellant/Management that the sum of Rs.2 Lakhs as ordered by the Labour Court has already been paid to the writ petitioner/Party-in-person and the remaining sum of Rs.3,00,000/- as been deposited to the credit of WA.Nos. 1325 and 1326 of 2017 and it has been invested in a Term Deposit with the Indian Bank, Madras High Court Branch on 12.04.2018 and it will be maturing on 12.04.2019 and the maturity value would be Rs.3,19,980/-. In the light of the orders passed by this Court, the appellant in W.A.Nos. 1325 and 1326 of 2017 shall surrender the Fixed Deposit Receipt to the Registrar General of this Court within a week from the date of receipt of a copy of this order, after putting the writ petitioner/Party-in-person on notice and on receipt of such notice, the writ petitioner/Party-in-person shall submit a petition to the Registrar General of this Court for withdrawing the said amount."

5. When these orders were not complied with, according to the appellant, Contempt Petition No.625 of 2019 was filed, which was closed by order dated 31.10.2019 by a Division Bench of this Court, as against which the appellant / party-in-person preferred S.L.P.(Gvil) No.5714 of 2020 before the Hon'ble Supreme Court, which was also disposed of by the Hon'ble Supreme Court by order dated 21.08.2020, wherein, Inter alia the following order was passed:

"We have heard the petitioner Mr.K.Alfred, who appeared in person. He invited our attention to the order dated 29.11.2018 which was stated to have been violated by the alleged contemnors. The directions issued in the said order in para 28 on which the petitioner places reliance were to the following effect:



"28. The appellant in W.A.No.1441 of 2017/Party-in-Person would also claim that the terminal and other attendant benefits due and payable to him have not been disbursed at all and the learned counsel for the Management would submit that whatever dues the Party-in-Person is legally entitled will be disbursed to him within a period of eight weeks from the date of receipt of a copy of this order.

Finally, while rejecting the writ appeals and confirming the order dated 24.07.2017 passed by the learned Single Judge of the High Court in Writ Petition Nos. 18058, 18301 and 31205 of 2015, it was directed as under:

30. In the result, these Writ Appeals are dismissed, confirming the order dated 24.07.2017 made in W.P.Nos. 18058, 18301 and 31205 of 2015. No costs.

31. It is also brought to the knowledge of this Court by the learned counsel counsel appearing for the appellant/Management that the sum of Rs.2 Lakhs as ordered by the Labour Court has already been paid to the writ petitioner/Party-in-person and the remaining sum of Rs.3,00,000/- as been deposited to the credit of W.A.Nos. 1325 and 1326 of 2017 and it has been invested in a Term Deposit with the Indian Bank, Madras High Court Branch on 12.04.2018 and it will be maturing on 12.04.2019 and the maturity value would be Rs.3,19,980/-. In the light of the orders passed by this Court, the appellant in W.A.Nos. 1325



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and 1326 of 2017 shall surrender the Fixed Deposit Receipt to the Registrar General of this Court within a week from the date of receipt of a copy of this order, after putting the writ petitioner/Party-in-person on notice and on receipt of such notice, the writ petitioner/Party-in-person shall submit a petition to the Registrar General of this Court for withdrawing the said amount."

There is no grievance regarding the operative directions given in Para 31, but in the submission of the petitioner, the directions in para 28 were not complied with.

From the record it is clear that according to the respondents, nothing is due to the petitioner. In the circumstances, whether the petitioner is entitled to anything apart from what was dealt within para 31, is a matter which need to be established first.

The High Court was, therefore, do not find any reason to interfere.

This Special Leave Petition is, therefore, dismissed.

Pending applications, if any, also stand disposed of."

6. Therefore, a complete quietus had been given in respect of those issues raised by the present appellant / party-in-person as well as the respondent Management with regard to the terminal and service benefits of the petitioner /appellant.

7. While that being so, the present intra Court appeal has been filed against the very same common order passed by the writ Court dated 24.07.2017, of course technically against W.P.No.18058 of 2015.



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8. In this context, the contention of the appellant/party-in-person that, as against W.P.No.18058 of 2015 no intra court appeal has been filed either by the appellant or by the respondent Management. Therefore, that issue can be once again re-agitated by filing the present writ appeal.

9. We are not convinced with the said approach of the appellant, who appears as party-in-person against the categorical finding given by the Division Bench in Paragraphs 29 to 31 of the order dated 29.11.2018, which we have reproduced herein above. Especially, in para 30 of the order, the Division Bench has stated that these writ appeals i.e., three writ appeals referred to above are dismissed confirming the order dated 24.07.2017 made in W.P.No.18058, 18301 and 31205 of 2015. Thereby, the common order in toto passed by the learned Single Judge dated 24.07.2017 has been confirmed by the said order of the Division Bench dated 29.11.2018 which has become final as stated supra.

10. When that being so, once again the issue cannot be re-agitated by filing the present intra court appeal by the appellant stating that no appeal has been filed at all by the party-in-person or by the management as against W.P.No.18058 of 2015. That kind of argument is no more available in view of the categorical finding given by the Division Bench in the order dated 29.11.2018 in those three writ appeals which has been referred to above.



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11. These aspects have been taken into account by the Hon'ble Supreme Court while disposing of SLP(C) No.5714 of 2020, which arose out of the order passed by the Division Bench dated 31.10.2019 in Contempt Petition No.652 of 2019 instituted by the appellant / party-in-person, where all these aspects have been taken into account, which has also been extracted herein above.

12. In that view of the order, this issue has already been concluded, which cannot be re-agitated by the appellant and therefore we are not inclined to entertain this writ appeal. The appeal fails and therefore the same is dismissed. No costs.

(R.S.K.,J.) (H.C.,J.)
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Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

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To

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The Management Of Metropolitan Transport
Corporation(MTC)
Represented by its Managing Director, Pallavan Salai,
Chennai-600 002



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**R.SURESH KUMAR J.
AND
HEMANT CHANDANGOUDAR J.**

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