



WEB COPY

WP No. 21019 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04-12-2025

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THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

**WP No. 21019 of 2025
and
W.M.P.No.23755 of 2025**

The Management,
Tamil Nadu State Transport Corporation
(Villupuram) Limited,
Villupuram.

Petitioner(s)

Vs

N.Veerassamy (died)

1. V. Angammal
W/o Late Veerasamy

2.V. Balaji
S/o Late Veerasamy

Respondent(s)

AMENDED PRAYER: Writ petition is filed under Article 226 of the Constitution of India for a writ of certiorari, to call for the records relating to the order passed in E.P.No.04 of 2024 in CP No.20 of 2014 dated 17.12.2024 on the file of the Labour Court, Cuddalore and the consequential order passed in E.P.No.04 of 2024 in C.P.No.20 of 2014 dated 20.02.2025 on the file of the Labour Court, Cuddalore.

(prayer amended as per the order of this Court made in W.M.P.No.44650 of 2025 in W.P.No.21019 of 2025 dated 04.12.2025)

For Petitioner(s): Mr.T.Chandrasekaran

For Respondent(s): Mr.J.Jayan



ORDER

This writ petition is filed to call for the records relating to the order passed in E.P.No.04 of 2024 in CP No.20 of 2014 dated 17.12.2024 on the file of the Labour Court, Cuddalore and the consequential order passed in E.P.No.04 of 2024 in C.P.No.20 of 2014 dated 20.02.2025 on the file of the Labour Court, Cuddalore.

2. The petitioner is a state owned transport corporation. One N.Veerassamy was a conductor working in the petitioner corporation. He was dismissed from service on 22.10.1993. As against the dismissal, the employee raised a dispute in ID.No.1991 of 1994 and an award was passed by the Labour Court, Cuddalore on 24.07.2001 directing reinstatement of the petitioner with full back wages. Aggrieved thereby, the petitioner management filed W.P.No.13426 of 2022 and by an order dated 08.02.2012, the writ petition was disposed of while upholding the award of reinstatement, the back wages alone was modified into one of 50%. Aggrieved thereby, the management preferred writ appeal in W.A.No. 3582 of 2019. In the said writ appeal, the order of the learned single Judge was confirmed to the effect that from the date of dismissal till the date of the order of the learned single Judge, 50% back wages was confirmed and after the order of the learned single Judge till the date of the reinstatement order instead of 100% backwages, it was further agreed that it



would be enough if 75% is paid. It must be seen that since that order in the writ appeal was also by way of consent, the matter has attained finality. As a matter of fact, in the interregnum, the workmen had also filed computation petition in C.P.No.20 of 2014, in which the entire arrears due to the workman was computed by an order of the Labour Court dated 24.06.2014. The management also challenged the same separately by way of W.P.No.31276 of 2014. By the time, when the matter came up for hearing, the matter had attained finality in the writ appeal and therefore, the management reported that there were settlement between the parties in the writ appeal and recording the same, the said writ petition was closed. One would think that with that normally at least after 30 years after the dismissal i.e., from 1993 to 2023, the issue would have attained finality. It is only the workmen's life had attained finality but not the issue. The Corporation did not pay any single paise. The workman was forced to file execution petition in E.P.No.4 of 2024. Considering the earlier calculation made in CP.No.20 of 2024 and the consequential reduction that is made by way of concession in the writ appeal, the execution petition was allowed by directing realization of a sum of Rs.19,66,909/- from the petitioner / Corporation and accordingly, an order is passed. The consequential order is also passed attaching the said amount from the bank and challenging both the orders, the present writ petition is filed.



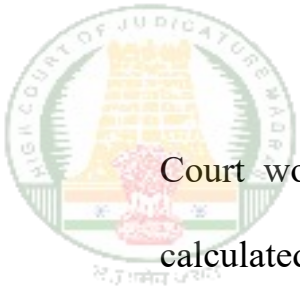
3. *Mr.T.Chandrasekaran*, the learned Counsel appearing on behalf of the petitioner would contend that the executing Court had wrongly calculated the amount due. He would rely upon paragraph no.9 of the affidavit filed in support of the writ petition to state that only a sum of Rs.11,51,997/- should have been calculated as due. The entire paragraph no.9 is extracted hereunder for ready reference:

“...as per the order passed in WA.No.3582 of 2019 the deceased employee is eligible to receive the following amount:

i. From November, 1993 to February, 2012 (50% back-wages after deducting Provident Fund)	.. Rs.8,33,434/-
ii. From March, 2012 to February, 2025 (75% back-wages after deducting Provident Fund)	.. Rs.6,82,570/-
Total Back-wages	.. Rs.15,16,004/-
17-B wages paid from 01-10-2002 to 28-02-2015 (149 months x Rs.2443)	.. Rs.3,64,007/-
Net amount eligible	.. Rs.11,51,997/-

Therefore, the learned Counsel for the petitioner would submit that the impugned order is liable to be interfered with.

4. *Mr.J.Jayan*, the learned Counsel appearing on behalf of the respondent by relying upon the counter filed and pointing out to the calculation that is made which is presented in detail in paragraph no.7 by way of the month to month statement which was taken into account in detail by the executing

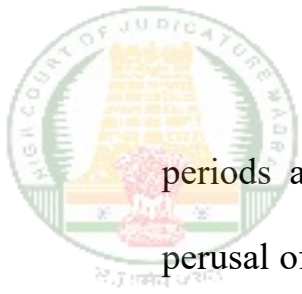


Court would contend that the amount of Rs.19,66,959/- has correctly been calculated and as a matter of fact, the amount was already attached from the bank account of the petitioner/Corporation and what remains is only the payment out of the said amount.

5. I have considered the rival submission made on either side and perused the material records of the case.

6. I am unable to accept the submissions made by the learned Counsel for the petitioner for the following reasons:

(i) Firstly, the details of the calculation for arriving at the total arrears of Rs.19,66,959/- is mentioned item wise with reference to basic pay, grade pay, dearness allowance, house rent allowance, health allowance and laundry allowance. After arriving at the total, and after deducting the amount already paid, as well as deducting 50% of the wages and 25% of the wages as per the period as determined in the order of the writ appeal, the amount has been calculated. Therefore, on a perusal of the calculation, I do not see any error whatsoever in the calculation of the executing Court. The counter affidavit filed in the execution petition did not contain any calculation whatsoever. It only stated that 50% and 75% of the back wages should be paid for the respective



periods and that the amounts already paid should be taken into account. A perusal of the statement, shows that the same has been taken into account by the executing Court by calculating only the 50% or 75%, as the case may be. Therefore, I do not see any error whatsoever in the order passed by the executing court.

(ii) Secondly, it must be seen that the employee was dismissed in the year 1993 and an award was passed in his favour in the year 2001. Even now, it is contended by the Corporation that instead of Rs.19,66,959/-, only sum of Rs.11,51,997/- alone is due. It did not think it fit to pay even the admitted amount to the workman. Unfortunately, the workman died on 14.01.2016. Now his legal heirs are waiting for the relief.

7. For the sole reason that the award or the order of this Court did not contain any direction for payment of interest, the management has not paid even a single pie and they act with the strategy that as much time as they take in the instant litigation, they are not going to be mulcted with any interest. It is clear that they are only interested in protracting the proceedings and litigating the matter. Already the entire amount as ordered by this Court and by the Division Bench has lost its worth and value, and by that itself, the petitioner / Corporation has gained a huge sum.



8. Accordingly, finding no merits, the Writ Petition is disposed of by requesting the Labour Court concerned to forthwith release the sum of Rs.19,66,959/- within a period of two (2) weeks from the date of receipt of the copy of the order. No costs. Connected miscellaneous petition is closed.

04-12-2025
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Neutral Citation:Yes/No

To

1.The Management,
Tamil Nadu State Transport Corporation (Villupuram) Limited,
Villupuram.

2.Labour Court, Cuddalore.



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D.BHARATHA CHAKRAVARTHY J.
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