



W.P.Nos.22548 & 11671 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.04.2025

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P.Nos.22548 & 11671 of 2019

and

W.M.P.No.21975 of 2019

W.P.No.22548 of 2019

The Management,
Metropolitan Transport Corporation (Chennai) Limited,
Pallavan House, Pallavan Salai,
Chennai – 600 002. ... Petitioner

Vs.

P.Neethipathy ... Respondent

W.P.No.13568 of 2019

P.Neethipathi ... Petitioner

Vs.

The Management,
Chennai Metropolitan Transport Corporation,
Pallavan Salai, Chennai – 600 002. ... Respondent

Prayer in W.P.No.22548 of 2019 : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, calling for the records relating to the order dated 12.02.2019 passed by the III Additional Labour Court, Chennai in I.D.No.5 of 2017 and to quash the same.

Prayer in W.P.No.11671 of 2019 : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, to call for the records of the Impugned Award dated 12.02.2019 passed in I.D.No.5



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of 2017 by the III Additional Labour Court, Chennai and quash the award as far as the granting 50% of back wages for the period after 08.11.2016 till the date of rejoining the duty and modify the award to 100% back wages to the petitioner for the period after 08.11.2016 to till the date of rejoining the duty.

W.P.No.22548 of 2019

For Petitioner : Mr.C.Gowthamraj

For Respondent : Mr.R.Anish Kumar

W.P.No.11671 of 2019

For Petitioner : Mr.R.Anish Kumar

For Respondent : Mr.C.Gowthamraj

COMMON ORDER

Both the writ petitions impugn the award dated 12.02.2019 passed by the III Additional Labour Court, Chennai in I.D.No.5 of 2017.

2. W.P.No.11674 of 2019 is challenged by the workman, an employee of the transport corporation aggrieved by the grant of 50% of backwages.

3. W.P.No.22548 of 2019 is filed by the transport corporation granting backwages at all.



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4. Since the issue involved is one and the same, the parties are also the same, both the writ petitions are disposed of by way of this common order.

5. For the ease of convenience, the parties are referred to as 'transport corporation' and 'workman'.

6. The workman was employed as a driver under the transport corporation. According to him, he met with an accident on 25.05.2016 and he got admitted in hospital. Therefore, he applied for medical leave from 26.05.2016 to 09.06.2016. Thereafter, he extended the leave period from 10.06.2016 to 26.06.2016. He further extended the medical leave from 27.06.2016 to 06.07.2016. After four days, on 11.07.2016, he reported for duty, along with a fitness certificate. The transport corporation directed him to get medical passport from the authorized medical practitioner of the corporation. Accordingly, the workman obtained a medical passport on 12.07.2016 and reported before the Branch Manager, Poonamallee Depot on 13.07.2016. According to the workman, he was not allotted duty and only on 15.07.2016, he received a



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letter of allotment of duty from the head office. He produced the said

letter before the Branch Manager, Poonamallee Depot on the same day.

However, according to the workman, the corporation did not allot him any duty. Hence, on 18.07.2016, he filed a complaint before the conciliation officer. On 08.08.2016, the workman was issued with a charge memo stating that he was on continuous absence from 26.05.2016. The workman submitted his explanation; being not satisfied with the explanation, the enquiry officer was appointed. After getting report from the enquiry officer, the workman was dismissed from service. Aggrieved by the same, the workman raised an industrial dispute before the labour court u/s 2A(2) of the Industrial Disputes Act, 1947 (in short 'the Act'). Even before the labour court, it was brought to the knowledge of the labour court that the corporation permitted him to join duty and accordingly, the workman is now in service with the transport corporation. The labour court on analyzing all the materials available before it, awarded full backwages from 26.05.2016 to 08.11.2016 and 50% backwages after 08.11.2016 till the date of rejoining the duty with continuity of service alone. Aggrieved by the said award, both the parties are before this court.



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7. This Court is not inclined to go into the arguments advanced on the both side on the simple reason that the award passed by the labour court is cogent and convincing.

8. The workman has submitted is leave application along with 11 medical documents. Therefore, his absence from 26.05.2016 till 10.07.2016 cannot be stated to be unauthorized absence. Moreover, the workman has presented himself for duty before the Branch Manager, Poonamallee Depot on 11.07.2016 along with a fitness certificate. Instead of permitting the workman to join duty, the Branch Manager directed him to get medical passport from the authorized medical practitioner of the transport corporation. In compliance with the said direction, the workman even got medical passport from the medical officer concerned and produced the same before the Branch Manager on 13.07.2016. Even thereafter, the workman was denied employment and only on 15.07.2016, he got a letter from the head office regarding his allotment of duty. On production of the same before the Branch Manager, Poonamallee, the Branch Manager still refused to allot any work. Therefore, from 26.05.2016 till 08.11.2016, the workman was entitled for full backwages with continuity of service and other attendant benefits.



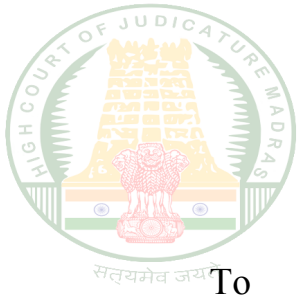
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From 08.11.2016, the date of which approached the labour authorities complaining non allotment of duty till date of rejoining duty, the workman is entitled to 50% of the backwages with continuity of service sans attendant benefits. The labour court awarded only 50% of the backwages considering the nature of the dispute between the parties. This Court does not find any error in the order passed by the labour court warranting interference.

9. In the result, both the writ petitions are dismissed. The transport corporation is directed to honour the impugned award passed by the labour court. No costs. Consequently, the connected miscellaneous petition is closed.

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Index : Yes / No
Speaking order / Non-speaking order
Neutral Citation Case : Yes / No
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1.The III Additional Labour Court,
Chennai.

2.The Management,
Metropolitan Transport Corporation (Chennai) Limited,
Pallavan House, Pallavan Salai,
Chennai – 600 002.



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M.DHANDAPANI, J.

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