



W.P.No.27075 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.10.2025

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THE HONOURABLE MR.JUSTICE **HEMANT CHANDANGOUDAR**

W.P.No.27075 of 2022
and
W.M.P.No.26289 of 2022

State Express Transport Corporation (Tamil Nadu) Ltd.,
Rep. by its General Manager
Pallavan Salai
Chennai-600 002.

... Petitioner

VS.

G.Sridhar Babu
S/o.C.S.Govindasamy

... Respondent

Writ Petition filed under Article 226 of the Constitution of India seeking a Writ of Certiorari, to call for the records relating to the order dated 30.09.2021 passed by the Principal Labour Court, Chennai, in C.P.No.166 of 2014 and to quash the same.

For Petitioner : M.K.Kathiresan
For Respondent : Mr.D.Soundar Raj



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ORDER

The captioned Writ Petition (hereinafter referred to as “WP” for the sake of brevity, convenience, and clarity) has been filed challenging the award dated 30.09.2021 passed by the Presiding Officer, Principal Labour Court, Chennai, in C.P. No. 166 of 2014. By the said order, the application filed under Section 33C(2) of the Industrial Disputes Act, 1947 [hereinafter referred to as “the ID Act” for the sake of brevity, convenience, and clarity] by the respondent/workman came to be allowed, and the petitioner/Corporation was directed to pay a sum of Rs.12,06,030/- to the respondent/workman towards wages for the period from 01.11.2007 to 31.03.2014.

2. The respondent/workman, who was employed as a Helper, was retrenched from service, which necessitated his raising an industrial dispute in I.D. No. 332 of 2001 before the Labour Court concerned. The Labour Court, by its award dated 31.10.2007, allowed the dispute and directed the



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petitioner/Corporation to reinstate the workman into service with continuity of service and other attendant benefits, but without back wages. Aggrieved by the said award, the petitioner/Corporation filed W.P. No. 30751 of 2008 before this Court. This Court, by order dated 22.07.2011, confirmed the award passed by the Labour Court but denied back wages for the period of non-employment. The order of the learned Single Judge was thereafter affirmed by the Hon'ble Division Bench and subsequently confirmed by the Hon'ble Supreme Court.

3. Thereafter, the respondent/workman filed C.P. No. 166 of 2014 under Section 33C(2) of the ID Act before the Labour Court concerned, seeking computation of wages from 01.11.2007 to 31.03.2014, i.e., from the date of the Labour Court's award till the date of his actual reinstatement. The Labour Court, after affording an opportunity of hearing to both parties, passed the impugned order. Aggrieved thereby, the present WP has been filed.



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4. Mr. K. Kathiresan, learned counsel for the petitioner/Corporation, submitted that the respondent/workman is not entitled to computation of wages from 01.11.2007, but only from 22.07.2011, i.e., the date on which this Court dismissed W.P. No. 30751 of 2008. He further submitted that the workman had represented to the Corporation seeking waiver of 20% of the wages, and hence, the respondent/workman is not entitled to the amount as determined by the Labour Court.

5. In response, Mr. D. Soundar Raj, learned counsel for the respondent/workman, submitted that there is no illegality or infirmity in the impugned order passed by the Labour Court, and therefore, no interference is warranted. He accordingly sought dismissal of the WP.

6. The arguments advanced by the learned counsel on either side and the materials placed on record have been duly considered.

7. The order of retrenchment was set aside by the jurisdictional Labour Court on 31.10.2007. By the said order, the workman was held



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entitled to continuity of service and other attendant benefits but without back wages. This Court, by order dated 22.07.2011 in W.P. No. 30751 of 2008, confirmed the award passed by the Labour Court but denied back wages for the non-employment period. The order dated 22.07.2011 has attained finality. The contention of the petitioner/Corporation is that the workman is entitled to wages only from 22.07.2011, the date on which this Court denied back wages.

8. Section 33C of the ID Act deals with the recovery of money due from an employer.

9. Initially, the application filed under Section 33C(2) of the ID Act was dismissed on 31.10.2007, which necessitated the workman to approach this Court by filing W.P. No. 16415 of 2020. This Court, by order dated 03.12.2020, allowed the writ petition, set aside the award dated 31.10.2007, and remitted the matter to the Labour Court to compute the wages in accordance with law. Thereafter, the Labour Court passed the impugned



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order. While setting aside the order of retrenchment, the Labour Court categorically held that the workman is entitled to reinstatement into service with all consequential and attendant benefits. It therefore follows that the workman is entitled to reinstatement with effect from the date of the award passed by the Labour Court. However, it is noted that the workman was actually reinstated only on 05.09.2017.

10. The Labour Court has also taken into consideration the order of this Court dated 03.12.2020 in W.P. Nos. 16415 and 16639 of 2020, wherein in identical circumstances it has been held that the Labour Court's award dated 31.10.2007, granting reinstatement with continuity of service but without back wages, had attained finality as all challenges by the Transport Corporation up to the Supreme Court failed. The delay in reinstatement was solely due to the Corporation's prolonged litigation and cannot be attributed to the workmen. Consequently, the workmen are entitled to wages from 01.11.2007 (the date of the award) until their



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reinstatement. The High Court, therefore set aside the impugned orders and remanded the matter to the Labour Court to recompute wages accordingly within three months.

11. Section 33C(2) of the Industrial Disputes Act, 1947 empowers a workman to approach the Labour Court to calculate and recover any money or benefit already due to him under an award, settlement, or service condition. It can be invoked only to quantify an existing right, not to decide new disputes, and the Labour Court acts in the capacity of an executing authority to determine the exact amount payable. The award passed in favor of the Respondent - workman is that he is entitled for reinstatement with all benefits except back wages entitled him to receive wages from the date of award till actual resentment which is computed by the labour Court.

12. In the present case, the award was passed on 31.10.2007 and was confirmed by this Court on 22.07.2011, except with respect to the denial of back wages. The delay in implementing the award passed by the Labour



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Court is attributable to the petitioner and not to the respondent. The Labour Court has computed the wages payable to the workman from the date of the award till the date of actual reinstatement, which admittedly does not include back wages. The Labour Court has rightly computed the wages for the period from 01.11.2007 to 31.03.2014.

13. The contention of the petitioner/Corporation that the respondent/workman is entitled to computation of wages only with effect from 22.07.2011 is not acceptable to this Court. Therefore, I find no illegality or infirmity in the impugned order passed by the Labour Court.

14. Accordingly, the captioned WP stands dismissed insofar it relates to computation of back wages. Though the Labour Court awarded interest at the rate of 9% per annum on the wages determined as payable to the respondent/workman, this Court is inclined to modify the rate of interest from 9% to 6% per annum. Hence, the petitioner/Corporation is directed to pay the wages as determined by the Labour Court along with interest at the



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rate of 6% per annum. The impugned award passed by the Labour Court stands modified to the above extent. Consequently, the connected miscellaneous petition is closed. There shall be no order as to costs.

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Index : Yes / No

Neutral Citation : Yes / No

Speaking / Non-speaking

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To

The Presiding Officer,
The Principal Labour Court
Chennai.

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HEMANT CHANDANGOUDAR, J.,

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