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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24-03-2025

CORAM

THE HONOURABLE MR JUSTICE M.DHANDAPANI

WP Nos. 580 of 2017 & 15787 OF 2019

AND

WMP NO. 23849 OF 2019, WMP NO. 15608 OF 2019, WMP NO. 8566 OF 2021, WMP NO. 632 OF 2017, WMP NO. 7022 OF 2021, WMP NO. 23848 OF 2019

WP No. 580 of 2017

1. The Managing Director,
Metropolitan Transport Corporation
(Chennai) Ltd, Pallavan Illam, Anna
Salai, Chennai-600002

Petitioner(s)

Vs

1. The Presiding Officer,
I Additional Labour Court, City Civil
Court Annexure Buildings, High Court
Compound, Chennai-600104

2. Thiru.R.Kannan,
Conductor, No.61/28, Samayapurathu
Mariamman Koil Street, Lakshmi
Nagar, Chennai-602102

3. K.Karpagam

4. K.K.Revathi

(Respondents 3 and 4 impleaded as legal heirs of the deceased 2nd respondent



vide order dated 24.03.2025 passed in W.M.P.No.12265 of 2021 in W.P.No.580 of 2017)

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Respondent(s)

WP No. 15787 of 2019

1. The Management rep. by its
Managing Director, Metropolitan
Transport Corporation, (Chennai) Ltd,
Anna Salai, Chennai-02 Chennai

Petitioner(s)

Vs

1. Smt. K.Karpagam
W/o. R. Kannan (deceased C.11684),
No.61/38, Samayapurathu Mariamman
Koil Street, Lakshmi Nagar,
Maduravoil earikarai, chennai - 602
102. Chennai

2.K.K.Revathi
D/o. R. Kannan (deceased C.11684),
No.61/38, Samayapurathu Mariamman
Koil Street, Lakshmi Nagar,
Maduravoil earikarai, chennai - 602
102.

Respondent(s)

WP No. 580 of 2017

PRAYER

Calling for the records pertaining to the order passed in I.D. No.307 of 2013 dated 21.06.2016 on the file of the 1st Respondent herein and quash the same

WP No. 15787 of 2019

**PRAYER**

calling for the records pertaining to the order passed in C.P.No.75 of 2017 dated 17.10.2018 on the file of the 1st Additional Labour Court, Chennai and quash the same

W.P.No.580 of 2017

For Petitioner(s): M/s. C.Gawthaman
For Respondent(s): M/s.M.D.Leelavathi For
respondents 3 and 4

W.P.No.15787 of 2019

For Petitioner(s): M/s. C.Gawthaman
For Respondent(s): M/s.M.D.Leelavathi For
respondents 1 and 2

COMMON ORDER

Since the issue involved in the above writ petitions are one and same they are disposed of by way of this common order.

2. The Transport Corporation has preferred W.P.No.580 of 2017 challenging the order of reinstatement directed by the first respondent herein vide order dated 21.06.2016 in I.D.No.307 of 2013.

3. W.P.No.15787 of 2019 is filed by the Transport Corporation challenging the sum the computation arrived at Rs.20,30,860/- directed to be



paid to the legal heirs of the deceased worker by the first respondent Labour

Court vide order dated 17.10.2018 in C.P.No.75 of 2017.

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4. The facts are that the deceased worker was employed as conductor by the petitioner Corporation. According to the Corporation the worker absented himself for eight days without any leave application or prior approval and thereby violated the standing orders of the Corporation. The worker was charge sheeted and the usual procedure of calling for explanation, appointing enquiry officer to conduct domestic enquiry, the second show cause notice and the final order of dismissal was passed. The deceased worker was dismissed from service on 16.12.2005, However, after a gap of eight years he chose to raise an Industrial dispute in the year 2016 which was taken on file by the first respondent in I.D.No.307 of 2013. Both sides chose not to examine any witness and not to file any documents. Based on the averments, the Tribunal held that the dismissal of the workman was not in accordance with law and set aside the order of dismissal. However, considering the fact that the deceased had already superannuated, the Labour Court reinstated him notionally and ordered payment



of backwages and all other benefits. Challenging the same W.P.No.580 of 2017 is preferred.

5. Since the petitioner Corporation did not honour the award passed by the Labour Court, the legal heirs of the deceased worker preferred a computation claiming backwages, bonus, earned leave, encashment and pension. The first respondent on an analysis of entire materials available before it, awarded a sum of Rs.20,30,860/- payable by the petitioner Corporation to the legal heirs of the deceased worker.

6. The petitioner Corporation has filed W.M.P.No.12265 of 2021 before this Court to set aside the abatement and permit the Corporation to implead the legal heirs of the deceased worker / respondents 3 and 4. For the reasons stated in the affidavit filed in support of the petition, the miscellaneous petition is ordered.

7. The learned counsel for the petitioner Corporation took the exception



to the finding given by the Labour Court that the charge against the deceased

workman was not proved. The learned counsel submitted that though the

workman was dismissed from services in the year 2005, he chose to raise the

Industrial Dispute only in the year 2013 after a gap of nearly eight years. No

reasons has been attributed for not raising the Industrial Dispute within the

reasonable time. The learned counsel also drew the attention of this Court to the

amounts awarded by the Labour Court under the various heads in the

computation petition. The learned counsel submitted that the Corporation

cannot be expected to give bonanza to the worker who has not rendered service

during the relevant period. The fact that the workman chose to wait for almost

eight years to raise the Industrial Dispute proves that he was otherwise gainfully

employed and he was not economically unstable. The learned counsel therefore

prayed that interference of this Court is very much needed in a matter of this

nature and prayed to set aside the impugned orders.

8. The learned counsel for the legal heirs of the deceased workman submitted that the orders passed by the Labour Court are cogent, convincing



and well reasoned. The impugned orders will not require any interference and therefore the same may be sustained and the writ petition may be rejected.

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9. Heard the learned counsel on either side and perused the materials placed on record.

10. As rightly pointed out by the learned counsel for the petitioner Corporation, there was a huge delay of nearly eight years in raising an industrial dispute after the workman was dismissed from service. Though the petitioner Corporation has raised various averments in the affidavit filed in support of the writ petition against the Labour Court ordering reinstatement it is to be noted that the petitioner has not chosen to let in any oral evidence or marked any documents in this regard. However, in the interest of justice, this Court is accepting the arguments advanced on the side of the petitioner Corporation that there was a huge delay of nearly eight years in preferring the Industrial Dispute against the order of dismissal. Moreover, the Labour Court has not given any convincing reasons for setting aside the order of dismissal. The order dated



21.06.2016 setting aside the order of dismissal is very cryptic and bereft of any

strong reasons. Though the workman has absented himself only for eight days, he could not have very well adjudicated the matter before the petitioner Corporation at the initial stage itself. Even after the order of dismissal, he chose to wait for nearly eight years to raise an Industrial Dispute. This lethargic argument of the workman speaks volumes. The domestic enquiry conducted by the petitioner is proper and this Court does not find any reason to hold that it was held in an unjustifiable manner. The order passed by the Labour Court dated 21.06.2016, setting aside the order of dismissal is quashed.

11. The amount awarded by the Labour Court in the computation petition is also unjustifiable. As rightly contended by the learned counsel for the petitioner Corporation, the Corporation cannot be expected to grant a bonanza to a worker who has not rendered any service during the relevant period. Hence the impugned award dated 17.10.2018 is also quashed.

12. However to strike balance, this Court directs the petitioner



Corporation to settle the terminal benefits without back wages of the deceased employee in accordance with law to the legal heirs of the deceased employee

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within a period of two weeks from the date of receipt of a copy of this order.

13. With the above observation and direction, these writ petitions are allowed. No costs. Consequently, connected miscellaneous petitions are closed.

24-03-2025

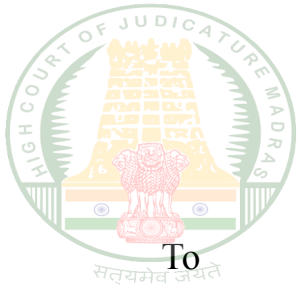
RAP

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



To

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The Presiding Officer,
I Additional Labour Court, City Civil
Court Annexure Buildings, High Court
Compound, Chennai-600104



M.DHANDAPANI J.

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RAP

**WP Nos. 580 of 2017 &
15787 OF 2019**

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