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W.P.No.34082 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.06.2025

**CORAM
THE HONOURABLE MR. JUSTICE P.DHANABAL**

**W.P.No.34082 of 2022
and
W.M.P.No.33552 of 2022**

The Management,
Tamil Nadu State Transport Corporation (VPM) Ltd.,
Kancheepuram Region,
Ponnerikarai,
Chennai - Bangalore National High Road,
Kancheepuram - 631 552.

... Petitioner

Vs.

E.Kovalan

... Respondent

Prayer: Writ Petition filed under Article 226 of Constitution of India, seeking for an issuance of writ of certiorari, to call for the records of order passed by the Presiding Officer, Labour Court, Kancheepuram in C.P.No.02 of 2019 dated 03.06.2022 and quash the same.

For Petitioner :Ms.S.Pavithra

For Respondent :Mr.S.Ravi



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ORDER

This writ petition is filed by the petitioner / management challenging the order passed by the Labour Court, Kancheepuram in C.P.No.02 of 2019 dated 03.06.2022 and quash the same.

2. Learned Counsel for the petitioner / management would submit that the respondent was working as Technician in the petitioner / management. During the year 2010, he was working as technician for the electrical maintenance work for the bus bearing Reg.No.TN-21-N-1299. While so, on 21.06.2010 at about 11.15 a.m., when the bus was plying on the road at Padiyanallur, the fan belt of the bus was cut and could not run on the road, due to the negligent repair work of the respondent. Therefore, the petitioner / management suffered great loss. Thereafter, a Charge memorandum was issued to the respondent and domestic enquiry was conducted and the punishment of stoppage of increment for one year without cumulative effect was ordered. Aggrieved by the same, the respondent raised an industrial dispute before the Labour Court in I.D.No.199 of 2016, on the file of the Labour Court, Kancheepuram and the same was allowed and the punishment of stoppage of increment for one year without cumulative effect



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was set aside. Aggrieved by the said order, the petitioner / management filed a Writ Petition in W.P.No. 1798 of 2019 and the same is pending. While so, the respondent filed Computation Petition in C.P.No.02/2019, by calculating the arrears of salary as Rs.39,720/- along with 8% interest of Rs.2,938.25/- in total a sum of Rs.42,658.25/-. Since the writ petition was pending, challenging the main I.D., Computation Petition is not maintainable. However, the Labour Court awarded a sum of Rs.30,112/- *vide* order dated 03.06.2022. Therefore, the Labour Court failed to consider that when the main I.D. itself is under challenge, allowed the Computation Petition and also failed to give opportunity to the petitioner / management to justify the computation amount. Therefore, the order passed by the Labour Court is liable to be set aside. Further, the learned Counsel would now produce the calculation memo, stating that the respondent is entitled to only to a sum of Rs.7362.8/-, but the Labour Court awarded Rs.30,112/-. Therefore, the respondent is not entitled to receive the above said sum of Rs.30,112/- and he is entitled only for a sum of Rs.7362.8/-

3. Learned Counsel for the respondent would submit that the respondent raised industrial dispute before the Labour Court for the



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punishment awarded by the petitioner / management and the same was allowed by setting aside the punishment of stoppage of increment for one year without cumulative effect. Thereafter, the petitioner / management challenged the said order in W.P.No.1798 of 2019 and the same was also dismissed on 23.06.2023. In the meantime, the respondent filed a computation petition before the Labour Court by claiming a sum of Rs.39,720/- along with interest to a sum of Rs.2,938.25/- in total a sum of Rs.42,658.25/- The Labour Court after computing the amount, passed an award of Rs.30,112/- by giving adequate reasons. Merely because of pendency of the writ petition, challenging the main I.D., is not a bar to file Computation Petition. The Labour Court has not accepted the claim of the petitioner as it is and after applying the mind, computed the amount of Rs.30,112/-. The respondent has not disputed the amount either at the time of filing counter in the computation petition or in the present writ petition. Now the petitioner / management produced a calculation memo without any documents and they have not availed the opportunity, when the case was pending before the Labour Court. Therefore, the said calculation memo cannot be considered at this stage. Therefore, the order passed by the Labour Court is in order and the writ petition is liable to be set aside.



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4. Heard the learned Counsel on either side and perused the materials available on record.

5. It is an admitted fact that the petitioner / management awarded the punishment to the respondent by stoppage of increment for one year without cumulative effect and the same was challenged through industrial dispute in I.D.No.199 of 2016 and the same was allowed and the punishment awarded to the respondent was set aside and thereafter, the petitioner / management challenged the said order through W.P.No.1798 of 2019 and the same was also dismissed. During the pendency of the above writ petition, the respondent filed computation petition and the Labour Court also computed the amount. The petitioner / management did not raise any objection in respect of the claim amount, claimed by the respondent either by filing counter affidavit in the computation petition or by raising any ground in the writ petition. But now filed the calculation memo stating that the respondent is only entitled to a sum of Rs.7362.80/-. When sufficient opportunity was given before the Labour Court, no documents were produced by the petitioner / management and now at this stage, after passing award that too after dismissal of the writ petition, which is challenging the main I.D., the



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request of the petitioner / management cannot be taken into consideration.

The Labour Court has not accepted the claim amount as claimed by the petitioner / management and awarded only a sum of Rs.30,112/-. Therefore, at this stage, the contention of the learned Counsel for the petitioner / management that there is a calculation error and the respondent is entitled to a sum of Rs.7,362.8/- is not acceptable. Therefore, in view of above discussions, this Court is of the opinion that the Writ Petition has no merits and deserves to be dismissed.

In the result, the Writ petition stands **dismissed**. No costs. Connected MP is closed. However, since already this Court directed the petitioner / management to deposit a sum of Rs.15,056/- before the Labour Court and the same was also deposited, the respondent is entitled to receive that amount along with accrued interest in accordance with law. Further, the petitioner / management is directed to deposit the remaining amount within a period of one month from the date of receipt of a copy of this order.

26.06.2025

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Index: Yes/No

Speaking order/Non-speaking order

Neutral Citation: Yes/No

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P.DHANABAL, J.

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To
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Ponnerikarai,
Chennai - Bangalore National High Road,
Kancheepuram - 631 552.

2.Labour Court,
Kancheepuram.

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