



W.A.No.3876 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.09.2025

CORAM :

THE HONOURABLE MR. JUSTICE M.S. RAMESH
AND
THE HONOURABLE MR. JUSTICE R.SAKTHIVEL

W.A.No.3876 of 2019
and CMP.No.24354 of 2019

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

... Appellant

Vs.

1.The Presiding Officer,
Labour Court,
Madurai

2.S.Subramanian (died)

3.Marathi

4.Rajendiran

5.Nallammal

6.Thangamani

7.Thangaraj

(R3 to R7 brought on record as LR's of the
deceased R2 viz., S.Subramanian vide court
order dated 05.04.2024 made in CMP.No.23538/2024
in W.A.No.3876/2019)

... Respondents



W.A.No.3876 of 2019

WEB COPY

PRAYER: Appeal is filed under Clause 15 of the Letters Patent, praying to set aside the order dated 09.12.2011 passed in W.P.No.11960 of 2006.

For Appellant : Mr.S.S.Swaminathan

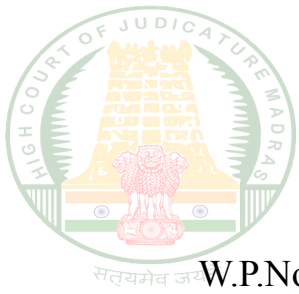
For Respondents : Ms.N.Gayathri for R3 to R7

JUDGMENT

(Judgment of this Court was delivered by M.S.RAMESH.J)

This Writ Appeal has been filed to set aside the order dated 09.12.2011 passed in W.P.No.11960 of 2006.

2. When one S.Subramanian, driver of the appellant Corporation was dismissed from service on 27.05.1973, he had raised an Industrial Dispute before the Labour Court, Madurai in I.D.No.625 of 1991, challenging the order of dismissal. The said I.D came to be allowed by setting aside the order of dismissal and converting it into simple discharge, together with back wages for the period between 20.11.1991 to 18.06.1998. The Corporation had thereafter challenged the award of the Labour Court before the learned Single Judge of this Court in



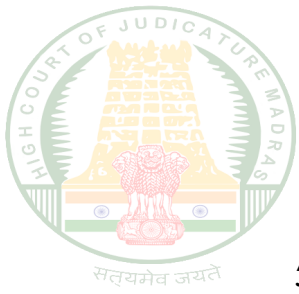
W.A.No.3876 of 2019

WEB COPY

W.P.No.11960 of 2006, which came to be dismissed on 09.12.2011. The said order is challenged before this Court in the present Writ Appeal, which was presented in the month of July 2012. Pending the Writ Appeal, the said S.Subramanian had died on 27.09.2014 and his legal heirs were brought on record as respondents 3 to 7.

3. The only ground raised before us is that though the deceased workman was dismissed from service on 27.05.1973, he had challenged the same only in the year 1991 and in view of this inordinate delay, the Labour Court, as well as the Writ Court ought not to have interfered with the order of punishment.

4. We find from the award of the Labour Court that though the driver was dismissed on 27.05.1973 and had not challenged it immediately but only in the year 1991, the Labour Court has taken note of this aspect and therefore, while awarding back wages, restricted the same for the period between 20.11.1991 to 18.06.1998. In other words, the back wages for the period between 27.05.1973 to 20.11.1991 was rejected.



W.A.No.3876 of 2019

WEB COPY

5. We endorse the reasoning adopted by the Labour Court. The Writ Court as well, has taken note of this fact and in view of the restriction to the back wages, had rejected the plea of delay and laches. We agree with such a finding. As such the ground raised by the appellant before us does not warrant consideration.

6. Accordingly, the Writ Appeal stands dismissed. Consequently the appellant Corporation shall forthwith disburse the back wages awarded by the Labour Court to the credit of I.D.No.625 of 1991 dated 09.03.2005 within a period of two (2) weeks from the date of receipt of a copy of this order. No Costs. Consequently, the connected miscellaneous petition is closed.

[M.S.R., J] [R.S.V.,J]

22.09.2025

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

Anu



W.A.No.3876 of 2019

WEB COPY

To

The Presiding Officer,
Labour Court,
Madurai



WEB COPY



W.A.No.3876 of 2019

M.S.RAMESH, J.
and
R.SAKTHIVEL, J.

Anu

W.A.No.3876 of 2019
and CMP.No.24354 of 2019

22.09.2025