



W.P.(MD) No.13511 of 2019

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.03.2025

CORAM:

THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.(MD) No.13511 of 2019

and

W.M.P.(MD) No.10039 of 2019

The Management
Tamil Nadu State Transport
Corporation Madurai Ltd.,
rep.by its General Manager
Madurai Region
Madurai

... Petitioner

-vs-

T.Vivekananthan

... Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorari calling for the records relating to the impugned order passed by the Labour Court, Madurai, in C.P.No.92 of 2016, dated 14.11.2018 as illegal and quash the same.

For Petitioner : Mr.J.Senthil Kumaraiah

For Respondent : Mr.S.Arunachalam



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ORDER

This writ petition has been filed by the petitioner – Transport Corporation aggrieved by an order dated 14.11.2018, passed in C.P.No.92 of 2016, on the file of the learned Labour Court, Madurai, directing them to pay an amount of Rs.1,21,520.95 to the respondent herein, within two months from the date of the order, failing which directed the petitioner – Transport Corporation to pay the said amount with 12% interest per annum from the date of expiry of the two months period.

2. The brief facts that are relevant for the disposal of this writ petition are as under:

2.1. The respondent herein was initially appointed as Driver on daily wage basis in the petitioner – Transport Corporation on 29.11.2010. On completion of 240 days in a year, his services were regularized through proceedings dated 04.12.2012, however, with effect from 29.11.2010. It was thereafter the pay of the respondent was fixed and it was paid to him only from the month of December, 2012. Thus, the respondent was paid only on daily wage basis from 29.11.2010 till the month of November, 2012.



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Under those circumstances, the petitioner filed a claim petition in C.P.No.92 of 2016, before the learned Labour Court, Madurai, under Section 33C(2) of the Industrial Disputes Act, 1947, claiming for payment of time scale of pay with effect from 29.11.2010 i.e., the date with effect from which his services were regularized. The respondent, in all, made a claim for an amount of Rs.1,61,860.00 together with 12% interest per annum.

2.2. The petitioner – Transport Corporation filed a counter affidavit before the learned Labour Court contending that the respondent herein is entitled for payment of time scale of pay only from the date of issuance of the proceedings regularizing his services, but not from the date with effect from which his services were regularized. While contending so, the petitioner – Transport Corporation also filed a calculation memo disputing the calculation made by the respondent and stating that in case the claim of the respondent herein is found to be correct, then the petitioner – Transport Corporation would be entitled for payment of an amount of Rs.1,21,520.95, but not for the amount as claimed by the respondent in his claim petition.



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2.3. The learned Labour Court, having taken into consideration the stand of the respondent herein, has arrived at a conclusion that the respondent herein is entitled for payment of time scale of pay with effect from the date on which his services were regularized and basing upon the calculation memo filed by the petitioner – Transport Corporation, awarded an amount of Rs.1,21,520.95 and directed the petitioner – Transport Corporation to pay the said amount to the respondent herein within two months from the date of the order. The petitioner – Transport Corporation, instead of paying the said amount within the two months time stipulated by the learned Labour Court, has approached this Court by filing the present writ petition.

3. This Court, while entertaining this writ petition, in a batch of writ petitions, passed an interim order dated 17.06.2019 staying the operation of the impugned order passed by the learned Labour Court.

4. This Court, after having heard the learned counsel appearing for the petitioner – Transport Corporation and the learned counsel appearing



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for the respondent and after perusing the entire materials available on record, including the impugned order, is thoroughly convinced that the learned Labour Court is very much justified in awarding the amount of Rs. 1,21,520.95. The entitlement of the respondent for payment of wages in the time scale of pay with effect from the date on which his services were regularized cannot be denied. The stand of the petitioner – Transport Corporation, that the respondent herein is entitled for payment of time scale of pay only from the date of issuance of the proceedings regularizing his services, but not from the date with effect from which his services were regularized, cannot be accepted. As admittedly, the proceedings of the petitioner – Transport Corporation regularizing the services of the respondent were given retrospective effect from 29.11.2010. If the said proceedings dated 04.12.2012 is to be given effect prospectively, there is meaning for giving the retrospective date for regularization. In the circumstances, this Court does not find any error or illegality in the impugned order passed by the learned Labour Court in awarding an amount of Rs.1,21,520.95 in favour of the respondent.

5. The learned Labour Court, having awarded the said amount, directed the petitioner – Transport Corporation to pay the said amount to the respondent within two months from the date of the order, and failing which



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directed the petitioner – Transport Corporation to pay the said amount with interest at the rate of 12% per annum from the date of expiry of the two months period. However, the learned Labour Court, while awarding interest at the rate of 12% per annum, has not assigned any reason for awarding interest at the rate of 12% per annum. No doubt, the learned Labour Court directed payment of interest only after expiry of the two months period from the date of the order and that too, in the event of failure of the petitioner – Transport Corporation to pay the said amount. But, there is no reason assigned by the learned Labour Court for awarding interest at the rate of 12% per annum. In view of the same, this Court is of the considered view that it would be appropriate to modify the impugned order only to the extent of interest and accordingly, the interest at the rate of 12% awarded by the learned Labour Court is reduced to 9%, and the same shall be paid with effect from 15.01.2019.

6. Considering the fact that this Court has already granted an order of interim stay as observed above and the impugned order is not in operation, this Court is inclined to permit the petitioner – Transport Corporation to pay the entire amount within a period of two months from the date of receipt of a copy of this order. In case if the petitioner – Transport



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Corporation fails to pay the amounts due under this order within the time, as stipulated above, the petitioner – Transport Corporation shall be liable to pay interest at the rate of 12% per annum as awarded by the learned Labour Court.

7. Accordingly, this writ petition is disposed of. No costs.
Consequently, connected miscellaneous petition is closed.

20.03.2025

(8/9)

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

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To:
The Presiding Officer,
Labour Court,
Madurai.



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MUMMINENI SUDHEER KUMAR, J.

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