



W.P.(MD) No.2915 of 2019

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.03.2025

CORAM:

THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.(MD) No.2915 of 2019
and
W.M.P.(MD) No.2194 of 2019

The General Manager
State Express Transport Corporation
Tamilnadu Ltd.,
Palavan Salai
Chennai

... Petitioner

-VS-

M.Ravi

... Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorari calling for the records from the Labour Court, Tirunelveli, relating to the impugned award passed by it in C.P.No.10 of 2017, dated 20.09.2017, and quash the same.

For Petitioner : Mr.K.Sathiya Singh

For Respondent : Ms.D.Geetha



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ORDER

This writ petition has been filed by the petitioner – Transport Corporation seeking a writ of certiorari to call for the records in connection with the award dated 20.09.2017, passed in C.P.No.10 of 2017, on the file of the learned Labour Court, Tirunelveli, and to quash the same.

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

2.1. The respondent herein was removed from service by an order dated 27.11.2007 and aggrieved by the same, he approached the learned Labour Court by filing I.D.No.9 of 2010 and the learned Labour Court, by an award dated 29.08.2011, allowed the said industrial dispute directing for reinstatement of the respondent herein into service with backwages.

2.2. Aggrieved by the said award dated 29.08.2011, passed in I.D.No.9 of 2010, on the file of the learned Labour Court, Tirunelveli, the petitioner – Transport Corporation approached this Court by filing W.P.(MD) No.6266 of 2012 and the said writ petition



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ultimately came to be disposed of by virtue of an award passed by the High Court Legal Services Committee during the High Court Mega Lok Adalat on 20.09.2014, whereby, the petitioner – Transport Corporation has agreed to reinstate the respondent into service forthwith and the respondent herein has agreed to forgo the backwages. However, the respondent was not reinstated into service in terms of the Lok Adalat award dated 20.09.2014 immediately, but, he was reinstated into service only on 05.05.2015 i.e., after a lapse of seven months and thirteen days and thereafter, the respondent attained the age of superannuation on 30.06.2015 and retired from service.

2.3. As the petitioner – Transport Corporation failed to reinstate the respondent into service in terms of the Lok Adalat award dated 20.09.2014 and prevented him from working till 05.05.2015 i.e., the date on which he was reinstated into service, the respondent made a claim for payment of wages for the period with effect from 21.09.2014 till 04.05.2015 by filing a claim petition in C.P.No.10 of 2017, before the learned Labour Court, Tirunelveli.



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3. The learned Labour Court, having adjudicated the matter, came to the conclusion that the petitioner – Transport Corporation failed to reinstate the respondent herein into service in terms of the Lok Adalat award dated 20.09.2014 and also failed to explain the reason for such failure except contending that there is a procedural delay. The learned Labour Court has also taken note of the fact that no material is placed in support of the contention of the petitioner – Transport Corporation that there is a procedural delay. Thus, the learned Labour Court came to the conclusion that the petitioner – Transport Corporation deprived the respondent herein from discharging his duties during the period from 21.09.2014 till 04.05.2015 and with a view to give full effect to the Lok Adalat award dated 20.09.2014, ordered payment of wages for the said period from 21.09.2014 till 04.05.2015 to the tune of Rs.2,35,968/-. The learned Labour Court, while arriving at the amount of Rs.2,35,968/-, has also taken note of some failure on the part of the respondent herein and thereby, came to the conclusion that the respondent herein is entitled for wages only for six months and thirteen days as against the claim made by him for seven months and thirteen days.



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4. Insofar as the claim made by the respondent herein for payment of leave salary for 192 days and return of deposit amount is concerned, though the entitlement of the respondent herein is vehemently disputed, as rightly observed by the learned Labour Court, no material was placed before the learned Labour Court to deny the same in favour of the respondent herein.

5. In the light of the above, this Court does not see any error or illegality in the impugned award passed by the learned Labour Court and is not inclined to interfere with the same.

6. Accordingly, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

24.03.2025

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

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To:
The Presiding Officer,
Labour Court,
Tirunelveli.



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MUMMINENI SUDHEER KUMAR, J.

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