



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27-01-2026

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THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.34406 of 2025

R.Ramesh
No.19, 9th Cross Street,
Abdul Kalam Nagar,
Senneerkuppam,
Poonamallee,
Chennai-600 056.

Petitioner

Vs

The Management
Metropolitan Transport Corporation
(Chennai) Ltd., Pallavaram Illam ,
Anna Salai, Chennai-600 002.

Respondent

PRAYER

Writ Petition has been filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records of II Additional Labour Court, Chennai order dated 27.02.2025 passed in C.P. No.66 of 2022, quash the same and consequently direct the respondent to pay the backwages with other attendant benefits for the non-employment period as claimed in C.P. No.66 of 2022.

For Petitioner

Mr. S.T. Varadarajulu

For Respondent

Mr. A. Vinothraj



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ORDER

The writ petition is filed challenging the award of the II Additional Labour Court, Chennai, dated 27.02.2025, made in C.P.No.66 of 2022. By the said award, the computation petition filed by the Workman stands dismissed.

2. The case of the Workman is that he was dismissed from service by the respondent-management by an order dated 12.01.2012. Thereafter, the management filed approval petition in A.P.No.24 of 2012 before the jurisdictional Commissioner of Labour. The said petition came to be dismissed on 05.07.2017. Thereafter the management challenged the same by way of W.P.No.13336 of 2018. The same was also ultimately dismissed on 01.11.2019. In the meanwhile, since there was an order to pay the 17 B wages, the petitioner was reinstated by the management on 22.10.2019. The petitioner therefore, filed the computation petition since the back wages for the interregnum period was not paid. The management disputing the computation made by the petitioner had filed calculation that the back wages amounts to Rs.8,11,175/-. The Labour Court considered the case of the parties and held that the voluntary action of the management in filing calculation is nothing but collusive. The Labour Court further considered the fact that the petitioner had so far been



punished 17 times during the service and dismissed the computation petition.

Aggrieved by the same, the present writ petition is filed.

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3. The learned counsel for the petitioner would submit that there is no question of any collusion between the parties. Aggrieved by the calculation made by the Workman, the management has presented its own calculations. Once the approval petition is dismissed, the Workman is deemed to be in service and the management is liable to pay the back wages.

4. Per contra, the learner counsel appearing on behalf of the management would submit that in any event, the principles of the earlier punishments that were undergone by the petitioner and also, no work no pay, can also be taken into account, while granting or refusing the back wages and therefore, the Labour Court has rightly taken into consideration of the same and denied back wages.

5. I have considered the rival submissions made on either side and perused the material records of the case.

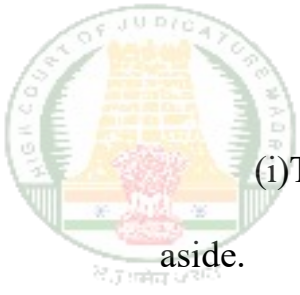
6. The Labour Court or this Court considering the case of the Workman and ordering reinstatement can also consider the question of back wages and the back wages is not automatic and all the necessary factors will also be taken into



account and it will be decided. However, in view of the 12(3) settlement, that is prevalent in the corporation, it was incumbent upon the respondent corporation to get the approval of the authorities in respect of any punishment. Once the approval petition is filed under Section 33 of the Industrial Disputes Act, 1947 and the approval petition stands dismissed, it will be deemed that the employees is in continuous service.

7. In that case, there is no question of considering no work no pay and the employee will be automatically entitled to the back wages, unless any supervening factor or special circumstances is brought on record by the management. In the instant case, only taking offensive of the calculation filed, the Labour Court rejected the petition. Even the earlier punishment imposed the cannot be a matter, since that ought to have been canvassed in the writ petition and that was filed challenging the refusal of the approval and this Court did not curtail any back wages, while dismissing the writ petition filed by the management. Therefore, the same cannot be belatedly argued in the computation petition. Once the earlier round of taking the disciplinary proceedings went in favour of the Workman, belatedly in the computation petition arguments relating to the back wages cannot now be taken afresh.

8. In view thereof, this Writ Petition has to be allowed. Accordingly, this Writ Petition is allowed on the following terms:



(i) The order dated 27.02.2025 made in C.P.No.66 of 2022 shall stand set aside.

(ii) With reference to the back wages from 12.01.2012 to 31.12.2019, since the same is calculated at Rs.8,11,175/- by the management itself and produced before the Labour Court, the management is directed to pay the said amount, within a period of eight weeks, from the date of receipt of a copy web copy of the order, without waiting for the certified copy of the order. No order as to costs.

27-01-2026

Neutral Citation: Yes/No
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To

The Management
Metropolitan Transport Corporation
(Chennai) Ltd., Pallavaram Illam , Anna
Salai, Chennai-600 002.



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D.BHARATHA CHAKRAVARTHY, J.

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