

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.07.2017

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH  
AND  
THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

W.A.No.535 of 2017

The Management  
State Express Transport Corporation TN Ltd.,  
Pallavan Salai  
Chennai 600 002 .. Appellant

-vs-

1. The Presiding Officer  
I Additional Labour Court, Chennai  
High Court Compound  
Chennai 600 104  
2. M.Mohamed Ithris .. Respondents

Appeal under Clause 15 of the Letters Patent, against the order dated 06.04.2017 made in W.M.P.No.38097 of 2016 in W.P.No.44251 of 2016.

For Appellant :: Mr.P.Paramasiva Doss

For Respondents :: Mr.S.T.Varadarajulu for R2  
R1-Court

JUDGMENT

(Judgment of the Court was made by HULUVADI G.RAMESH, J.)

It appears that when the second respondent-Workman was working as Driver in the appellant-Transport Corporation on daily wages, for the misconduct of causing an accident resulting in casualty, he was dismissed from service during 2001. However, on a challenge made to the said order of termination, the

Labour Court passed an award directing his reinstatement with continuity of service and all other attendant benefits, without noting the fact that he was only a daily wager. Pursuant to the said award, it appears that the second respondent was reinstated in service and he had also retired from service in 2014. Thereafter, it appears that the second respondent filed a claim petition seeking to compute the wages, bonus, ex gratia and other allowances payable to him and the Labour Court had computed the value of claim at Rs.8,11,828/-. When the said order was questioned by the appellant Department in the writ petition, the learned single Judge appears to have directed the deposit of 50% of the amount as ordered by the Labour Court for the grant of interim order and the matter is said to be pending consideration. Against the said conditional order of deposit of Rs.4,00,000/-, the appellant Department is before us with this appeal.

2. Heard the learned counsel for the parties.

3. It appears that in this context the Labour Court is shown to have ordered for reinstatement, that too after the misconduct of causing an accident resulting in the death of a person, and is also shown to have taken into consideration the case of the second respondent workman as if he was a regular employee, when he was admittedly working only as a daily wager. However, the matter is pending consideration before the learned single Judge. In that view of the matter, asking the Department to deposit a sum of Rs.4,00,000/- appears to be on the higher side. However, having regard to the misconduct of causing an

accident resulting in the death of a person, that too when the second respondent was working as a daily wager, we feel it appropriate to restrict the sum to Rs.2,00,000/-, instead of Rs.4,00,000/-, and it is for the learned single Judge to dispose of the matter on merits taking into consideration any other aspects including whether there is any illegality in the order passed by the Labour Court. With this observation, the writ appeal stands disposed of. Consequently, C.M.P.Nos.7661 & 7662 of 2017 are closed. No costs.

Index : yes/no

(H.G.R.,J.) (G.J.,J.)

31.07.2017

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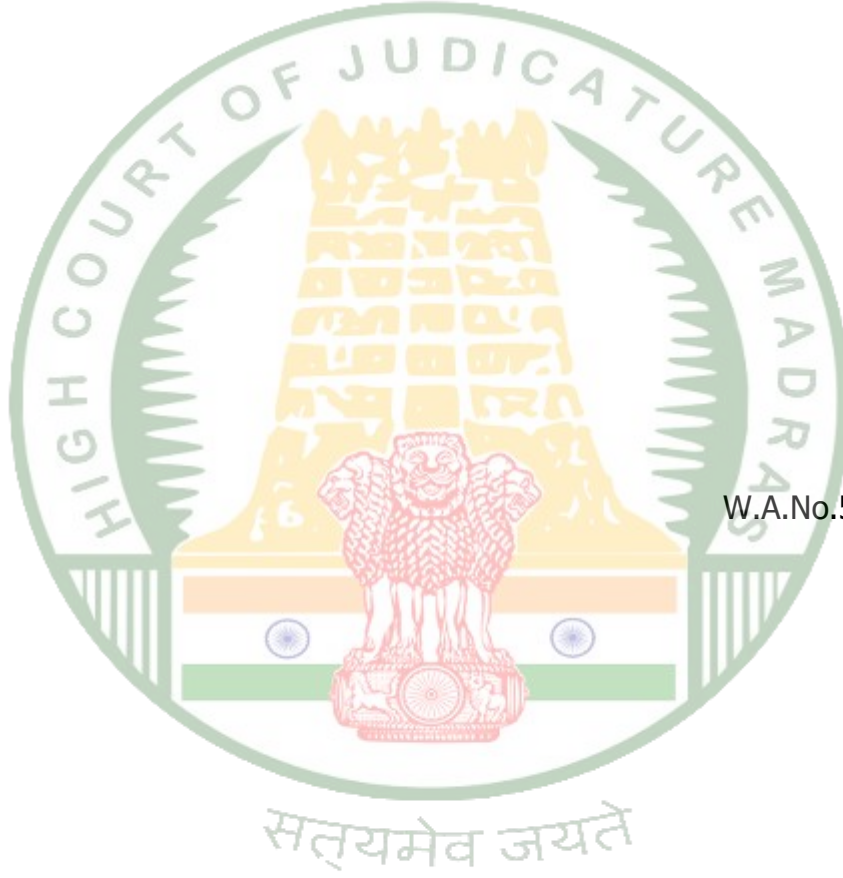
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HULUVADI G.RAMESH, J.  
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G.JAYACHANDRAN, J.

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