



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.07.2021

CORAM

THE HON'BLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.29581 of 2004
and WMP.No.35927 of 2004

The Management,
Tamilnadu State Transport Corporation,
Coimbatore Div II Ltd,
Now known as Tamilnadu State
Transport Corporation,
Erode Region, Chennimalai Road,
Erode-I.

...Petitioner

-vs-

1.The Presiding Officer,
The Labour Court,
Salem.

2.K.N.Sivan Malai

...Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of Writ of Certiorari, calling for the records pertaining to the award made in C.P.No.261 of 1999 dated 29.01.2003 on the file of first respondent herein and quash the same.

For Petitioner : Mr.A.Sundaravadanam
For R2 : Mr.K.V.Shanmuganathan

O R D E R

This Writ Petition has been filed by the Transport Corporation, challenging the order dated 29.01.2003, passed by the 1st respondent / Authority in C.P.No.261 of 1999

2. It is the case of the Petitioner / Management that the Employee / 2nd Respondent joined the services of the Management in the year 1997 as Driver and caused a fatal accident, in which five passengers died and 57 passengers were injured. When the Writ Petition was filed, a criminal case was pending and both the parties are not aware of the status of the criminal case.

3. It is stated by the Employee that he was dismissed from service on 25.02.1999 and the same was questioned before the Labour Court by raising an Industrial Dispute. However, the



4. Be that as it may, the issue on hand is with regard to the claim of a sum of Rs.56,965/- by the Employee towards the expenses incurred by him for the medical treatment, surrender leave pay and arrears of salary.

6. Heard the learned counsel on either side and perused the material documents available on record.

8. Labour Court further held that the Employee is entitled to leave wages and the same has not been denied. The Employee demanded Rs.7,000/- and the employer stated that the employee would be entitled to only Rs.4889.15/-. Finally, it was computed that the Employee is entitled to Rs.53,389/- which is inclusive of Rs.4889/- towards arrears of salary (as admitted by the Management) and Rs.3,500/- for surrender leave salary. However, the demand of interest at the rate of 18% was negated by the



Labour Court and the Management was directed to pay the amount with 9% interest p.a., within three months, along with a cost of Rs.250/-.

9. On reading of the order of the Labour Court, I find that there is no perversity in the order of the Labour Court in computing the amount. The Management has not established that the Government Hospital has got better facilities to extend the treatment to the Employee. The demand for reimbursement of the medical claim is perfectly justified and the Labour Court has rightly computed a sum of Rs.53,389/- for the aforesaid claims.

10. The claim was made in the year 1999 and 22 years have gone by. Though the rate of interest as directed by the Labour Court cannot said to be excessive, taking note of the present pandemic situation, this Court reduces the rate of interest to 6% instead of 9% and the rest of the portion of the order is hereby confirmed. The monetary benefits due (as per the modified order of this Court in respect of interest) shall be extended to the Employee within a period of four months from the date of receipt of a copy of this order.

11. With the above direction, this Writ Petition is disposed of. No costs. Consequently connected miscellaneous petition is also closed.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

dpq

To:

The Presiding Officer,
The Labour Court,
Salem.

+1 CC to Mr.K.V.Shanmuganathan, Advocate sr 37615.

W.P.No.29581 of 2004

AD(CO)
SP(01/11/2021)