

W.P(MD)No.12734 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.07.2026

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P(MD)No.12734 of 2023

A.Soosai Adaikalam

... Petitioner(s)

vs.

1. The Presiding Officer,
Labour Court,
Tiruchirappalli.

2. The Managing Director,
Tamilnadu State Transport Corporation
(Kumbakonam) Limited,
New Railway Feeder Road,
Kumbakonam.

3. The General Manager,
Tamilnadu State Transport Corporation
(Kumbakonam) Limited,
Maruthupathi,
Karaikudi,
Sivagangai District.

4. The Administrator,
Tamilnadu State Transport Corporation

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Employees Pension Fund Trust,
Office of SETC,
Pallavan Salai,
Chennai-600002.

... Respondent(s)

PRAYER : Writ Petition, filed under Article 226 of the Constitution of India, praying this court to issue a Writ of Certiorarified Mandamus, calling for the records in computation petition No.4 of 2019 before the Labour court, Tiruchirappalli, quash the same and consequently order the respondents 2 to 4 to pay Rs.3,39,632/- as claimed in the commutation petition with 12 percent interest from the date of filing of the petition.

For Petitioner	: Mr.K.S.Muthu
For R2 & R3	: Mr.P.F.Ferlin Castro
For R4	: Mr.S.C.Herold Singh

ORDER

Challenging the dismissal order passed in the computation petition dated 15.06.2022 by the Labour Court, Tiruchirappalli, the present writ petition has been filed by the petitioner.



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2. The case of the petitioner is that he was appointed as a Conductor in the second respondent Transport Corporation in the year 1980. On 17.01.1995, the petitioner suffered from jaundice and owing to his illness, he could not attend duty from 17.01.1995 to 11.03.1995. Treating the absence as unauthorised, the Corporation initiated disciplinary proceedings and ultimately dismissed the petitioner from service on 10.06.1995. Aggrieved by the order of dismissal, the petitioner raised an industrial dispute in I.D. No.34 of 2009 before the Labour Court, Tiruchirappalli. The Labour Court modified the punishment of dismissal into stoppage of three annual increments without cumulative effect and directed reinstatement of the petitioner into service. Pursuant thereto, by proceedings dated 10.04.2012, the second respondent directed the petitioner to rejoin duty. The petitioner thereafter continued in service till he attained the age of superannuation and retired. Retirement proceedings and retirement benefits were also issued by the second respondent. According to the petitioner, he subsequently came to know that while implementing the award of the Labour Court, the respondents had not correctly fixed his pay. His basic pay was fixed at Rs.5,200/-, whereas, according to him, he was entitled to a basic pay of Rs. 9,815/-, resulting in a gross monthly salary of Rs.21,517/-. It is alleged that the



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respondents paid him salary at a reduced rate, thereby causing a difference in wages amounting to Rs.3,39,632/-. Claiming the said differential wages, the petitioner filed a petition under Section 33-C(2) of the Industrial Disputes Act before the Labour Court. The Labour Court dismissed the computation petition. Challenging the same, the present writ petition has been filed.

3. The learned counsel for the petitioner submitted that the respondents committed an error while implementing the Labour Court award and fixing the petitioner's pay. The petitioner is only seeking computation of the monetary benefits legally due to him and therefore, the claim under Section 33-C(2) is perfectly maintainable. The Labour Court erred in dismissing the computation petition. Accordingly, he prayed for allowing the writ petition.

4. Per contra, the learned counsel appearing for the respondents submitted that the jurisdiction under Section 33-C(2) of the Industrial Disputes Act is confined to computation of benefits flowing from a pre-existing or accrued right. The provision cannot be invoked for deciding the entitlement itself or for re-fixation of pay. Accordingly, he prayed for dismissal of this writ petition.



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5. This Court has carefully considered the rival submissions and perused the materials available on record.

6. Admittedly, in the present case, the petitioner's pay was fixed at the time of reinstatement by proceedings issued in the year 2011, taking into account the period of non-employment and the directions contained in the Labour Court's award. If the petitioner was aggrieved by such pay fixation, he ought to have challenged the same immediately after reinstatement. Having accepted the pay fixation, continued in service till retirement and thereafter sought re-fixation of pay by way of a computation petition, is not maintainable under Section 33-C(2). Accordingly, the writ petition stands dismissed. No costs.

15.07.2026

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

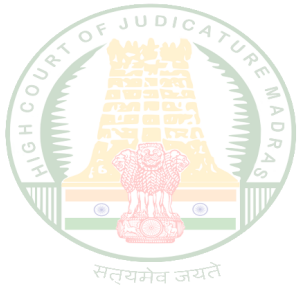


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