

**BEFORE THE PRINCIPAL LABOUR COURT, VELLORE.
VELLORE DISTRICT.**

**PRESENT : Tmt.A.Packia Jothi, M.L.,
Presiding Officer.**

Wednesday, the 22nd July, 2026

**C.P. No.73/2025
C.N.R.No.TNVL02-000163-2025**

M.Sivakumar,
S/o.Mannar Naidu,
No.2/217, Ellayanellur,
K.R.Thangal Post,
Vinnampalli (Via),
Katpadi Vattam,
Vellore District.

....

Petitioner

Versus

The General Manager,
Tamil Nadu State Transport
Corporation (Villupuram Ltd.),
Vellore Region,
Rangapupram
Vellore – 632 009.

....

Respondent

This Petition came up for hearing on 14.07.2026 in the presence of Thiru.A.Suresh Babu, the Authorized Representative for the Petitioner and Thiru.Dr.G.Devaraj, the Advocate for the respondent and upon hearing both side arguments and upon perusing the entire material case records and having stood over for consideration till this date, this Court delivered the following:-

ORDER

This is an application filed by the petitioner U/s.33 C(2) of the Industrial Dispute Act, 1947 for computation of money value that he is entitled for a sum of Rs.45,956/- for the period from February 2022 to July 2025.

1. Petition averments in brief:-

The case of the petitioner is that he has joined duty as Conductor on 28.04.2007 in the respondent's corporation and his job was made permanent on 01.02.2009 and from the date of joining he rendered the unblemished service. The petitioner is working in Krishna Nagar Depot, Vellore and from 30.01.2022 he is doing duty in Route No.T22/A Vellore to Vazhiyur. In the respondent corporation it is usual procedure that they will calculate the daily collection and gave Rs.1.30 for each Rs.100/- equally to both the Conductor and Driver as collection batta. At present collection batta amount has not paid for the female passengers and paid only for the male passengers. On enquiry about this the respondent corporation stated that the female passengers were travel in free of cost and hence batta not paid. But the Government has paid a sum of Rs.16/- per female passengers towards travel fare to the corporation. The act of the respondent corporation is against to the Section 9A of Industrial Disputes Act, 1947. The petitioner incurred financial loss of Rs.2,000/- to 3,000/- per month. In respect of this the petitioner reported many times before the Manager and General Manager of the respondent corporation. Then on 29.05.2025 the petitioner sent registered letters to the General Manager and Managing Director of respondent corporation for

payment of collection batta amount which he is entitled, but till date the amount has not been paid to him and no reply.

Hence, the petitioner approached this court to claim the collection batta amount. He has also enclosed a separate calculation sheet and he requests this court to direct the respondent to pay a sum of Rs.45,956/- due to him to which he is entitled on the basis of computation of money value.

2. Counter averments in brief:-

On receipt of the notice of this application the respondent entered his appearance and filed the counter, in which the respondent denied all the averments and petitioner has to prove the same with oral and documentary evidence.

The respondent further states that the petitioner has filed calculation stating that he worked for 13 days in a month, however he has not filed any documents to prove the same. Further how many attendance records are given for one day of work and on what basis he did the calculation of 13 days work has not been mentioned.

The respondent further states that under the Tamil Nadu Government's Women Dawn Travel Scheme, free city bus service is provided to women and the conductor and driver working in it are given an equal share of Rs.1.30 per Rs.100/- of the ticket collection amount. The petitioner filed this case without disclosing how much amount was collected under the Women's Dawn Trip Scheme before and how much is currently being paid. Hence, the petitioner has to prove the same with

documentary proof. The respondent requests for the dismissal of the petition.

3. On the side of petitioner, the petitioner examined himself as PW1 and through him Ex.P1 to P3 were marked. On the side of respondent, Mr.K.Nagarajan, Senior Superintendent of the respondent corporation examined himself as RW1 and through him no documents were marked. Subsequently Ex.R1 and R2 were marked with objection.

4. Point for consideration:

Whether this petition for computation on the basis of money value due to the petitioner for money value of Rs.45,956/- for the period from February 2022 to July 2025 towards collection batta is liable to be allowed or not ?

5. POINT:-

The case of the petitioner is that the petitioner joined duty as Conductor on 28.04.2007. He was made permanent employee on 01.02.2009. From 30.01.2022 he is working in Route No.T22/A, Vellore to Vazhiyur route. For the conductors working in Tamil Nadu State Transport Corporation in the total collected amount by way of tickets the driver and the conductor are entitled to Rs.1.30 for Rs.100/- and they have to share the amount. At present for the women travelling they have not been paid collection allowance, because they have been issued zero tickets, but the Tamil Nadu Government gives Rs.16/- per passenger to the respondent. The petitioner is in loss of earning from Rs.2,000/- to Rs.3,000/- per month. They have represented to the General Manager and he has sent a letter to

the General Manager on 29.05.2025. The petitioner has claimed the collection allowance from February 2022 to July 2025 totalling Rs.45,956/-. The amount due has not been paid inspite of repeated representation, hence, this petition has been filed for computation of benefits due to the petitioner amounting to Rs.45,956/-.

It is the case of the respondent that the petitioner is put to strict proof that he has worked for 13 days under the Tamil Nadu Government Magalir Vidiyal Payanam, the women are given the advantage of zero ticktets and the driver and conductor are being given Rs.1.30 for Rs.100/-.

The Hon'ble High Court of Gujarat at Ahmedabad in Shashikant N.Dhabuywala Vs. Baroda Rayon Corporation Limited in CDJ 1996 GHC 476 in para 7 has held.

"7. After amendment by Act 36/64, there are two parts of Sec. 33-C. The first part is concerned with money claims simpliciter and the second part speaks about in terms of money and any benefit to which a workman is entitled to. On the plain reading of words, it would transpire that when any workman is entitled to receive from employer any money and if any question arises as to the amount of money, then the question may be decided by the Labour Court. The expression "if any question arise as to the amount of money due" embraces within it scope one or more of the following kinds of disputes:

(i) Whether there is any settlement or award;

(ii) Whether any workman is entitled to receive from the employer money under any settlement or agreement or award etc; if so, what will be the rate of quantum of such amount;

(iii) Whether the amount claimed is due or not. It is settled proposition of law that proceedings under Section 33-C(2) are as such in nature of execution proceedings and therefore, it does not involve any right of party to relief and corresponding liability of the other wide like that, whether other side is at all liable or not. A workman cannot forward a claim in an application under Section 33-C(2) in respect of a matter not based on an existing right. The labour court, therefore, would not be competent to decide the application of workman where existing rights are not shown."

This decision squarely applies to the case on hand. In this case with regard to the claim of the petitioner for collection commission batta for zero tickets issued to the women passengers under the Magalir Payanam the petitioner has not arrived in any settlement or awards or agreement. The respondent disputes the entitlement of the petitioner to the benefit. Hence, there exists no pre-existing rights. Because, the 13th wage settlement dated 04.01.2018, the 14th wage settlement dated 25.08.2021, the 15th wage settlement dated 29.05.2025 does not say about the zero tickets collection commission batta to the drivers and conductors.

**The Hon'ble High Court of Madras in CDJ 2019 MHC 6061 in
D.Pugazhendhi and Others Vs. Management of Binny Limited.**

10. It is reiterated that the Labour Court cannot adjudicate the issues on merits under Section 33(C)(2) of the Industrial Disputes Act and in the absence of any pre-existing right, the computation petition filed under Section 33(C)(2) itself is not maintainable. However the petitioners had not established any such right and therefore, the Labour court is right in rejecting the computation petition filed by the workmen under Section 33(C)(2) of the Industrial Disputes Act.

In the case on hand, the petitioner has no right to claim the collection commission batta, because it is not a pre-existing right which the petitioner is entitled according to settlement, award or agreement. Hence, the claim of the petitioner demanding collection commission batta from February 2022 to July 2025 is not maintainable. This court has no jurisdiction to adjudicate the claim made by the petitioner under Section 33(C)(2) of Industrial Disputes Act in an undetermined claim. The petitioner has no pre-existing right to the benefits which can be computed in terms of money. Hence, this petition is not maintainable.

Point is answered accordingly.

In the result, this petition dismissed and there shall be no order as to costs.

Dictated to the Steno-Typist, typed directly in the computer, corrected and pronounced by me in the Open Court, on this the 22nd day of July, 2026.

**Presiding Officer,
Principal Labour Court,
Vellore.**

Annexure:-

1. List of Witnesses examined on the side of the Petitioner:-

WW1 – M.Sivakumar

2. List of Exhibits marked on the side of the Petitioner:-

Ex-P1 – 02.04.2025 – Copy of Enquiry Proceedings

Ex-P2 – 29.05.2025 – Copy of Letter sent by the petitioner to the
Managing Director and General Manager

Ex-P3 – ---- – Copy of Acknowledgement Cards

3. **List of Witnesses examined on the side of the Respondent:-**

MW1 – Mr.K.Nagarajan

4. **List of Exhibits marked on the side of the Respondent:-**

Ex-R1 – 09.06.2024 – Copy of Invoice of 22/A Route

Ex-R2 – 29.07.2024 – Copy of Invoice of 22/A Route

**Presiding Officer,
Principal Labour Court,
Vellore.**