



WEB COPY

WP Nos. 27879, 27884 & 27885 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16-07-2026

CORAM

THE HON'BLE MR.JUSTICE K. SURENDER

WP Nos.27879, 27884 & 27885 of 2026

and

WMP Nos. 30543, 30545, 30539, 30541, 30544 & 30546 of 2026

The Management Of
Bright Brother Limited,
R.S.No.1/1-1/4,1/6, 2/1-2/6, 231/2,
Thirubhuvanai,
Mannadipet Commune,
Puducherry- 605 107
Represented by its Authorised Signatory.

..Petitioner(s)

Vs

R.Sivaprakasum

..Respondent(s)

WP No. 27884 of 2026

The Management Of
Bright Brother Limited,
R.S.No.1/1-1/4,1/6, 2/1-2/6, 231/2,
Thirubhuvanai,
Mannadipet Commune,
Puducherry- 605 107
Represented by its Authorised Signatory.

..Petitioner(s)

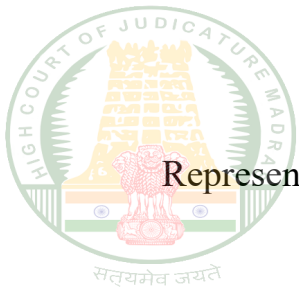
Vs

M.Venkatachalapathy

..Respondent(s)

WP No. 27885 of 2026

The Management Of
Bright Brother Limited,
R.S.No.1/1-1/4,1/6, 2/1-2/6, 231/2,
Thirubhuvanai,
Mannadipet Commune,
Puducherry- 605 107



Represented by its Authorised Signatory.

..Petitioner(s)

Vs

WEB COPY S.Kuppusamy

..Respondent(s)

WP No. 27879 of 2026

Writ Petition filed under Article 226 of Constitution of India seeking Writ of Certiorari to call for the records connected with I.A. No.1 of 2026 in C.P.No.3 of 2025 and quash the order dated 06.07.2026 Passed therein by the Presiding Officer Industrial Tribunal Cum Labour Court, Puducherry.

WP No. 27884 of 2026

Writ Petition filed under Article 226 of Constitution of India seeking Writ of Certiorari to call for the records connected with I.A. No.1 of 2026 in C.P.No.1 of 2025 and quash the order dated 06.07.2026 Passed therein by the Presiding Officer Industrial Tribunal Cum Labour Court, Puducherry.

WP No. 27885 of 2026

Writ Petition filed under Article 226 of Constitution of India seeking Writ of Certiorari to callfor the records connected with I.A. No.1 of 2026 in C.P.No.2 of 2025 and quash the order dated 06.07.2026 Passed therein by the Presiding Officer Industrial Tribunal Cum Labour Court, Puducherry.

For Petitioner(s): Mr.C.Manohar Gupta

For Respondent(s):



COMMON ORDER

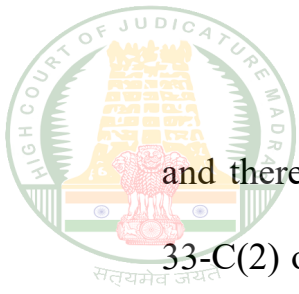
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These Writ Petitions have been filed challenging the common order dated 06.07.2026 passed in I.A.No.1 of 2026 in C.P.Nos.1, 2, and 3 of 2025.

2. Since the issue involved in all three Writ Petitions is identical, they are being disposed of by this common order at the stage of admission itself.

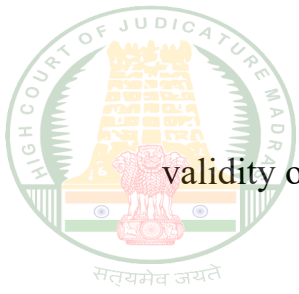
3. The brief facts of the case are that the petitioner is the Management of M/s. Bright Brothers Limited. Respondents in all three Writ Petitions were employees of the petitioner-establishment and their services were terminated by separate orders dated 22.11.2024. Thereafter, without challenging their respective termination orders before any competent forum, the respondents filed C.P.Nos.1, 2, and 3 of 2025 before the Industrial Tribunal-cum-Labour Court, Puducherry, under Section 33-C(2) of the Industrial Disputes Act, 1947, claiming computation of wages payable consequent to their termination.

4. The petitioner-Management entered appearance in the said Computation Petitions and filed I.A.No.1 of 2026 in each of the petitions, raising a preliminary objection as to the maintainability of the proceedings. According to the petitioner, a claim under Section 33-C(2) of the Act is not maintainable, since the respondents had not challenged their termination orders



and therefore, they could not seek computation of wages by invoking Section 33-C(2) of the Act. The petitioner further contended that the termination orders were passed following a domestic enquiry wherein the allegations against the workmen were proved. The Management had also complied with the statutory requirements of Section 33(2)(b) of the Industrial Disputes Act by filing approval petitions before the Conciliation Officer (Labour Officer), Puducherry, which are admittedly still pending. It was urged that the validity of a termination order cannot be adjudicated in execution proceedings under Section 33-C(2) of the Act. By a common order dated 06.07.2026, the Industrial Tribunal-cum-Labour Court, Puducherry, dismissed the interlocutory applications, observing that the jurisdictional issues raised by the petitioner could be decided along with the main Computation Petitions at the time of final disposal. Aggrieved by the said common order, the petitioner-Management has preferred these Writ Petitions.

5. It is not in dispute that the domestic enquiry preceded the dismissal and that the approval petitions are currently pending before the Labour Officer, Puducherry. Meanwhile, the respondent-workmen approached the Labour Court by filing Computation Petitions, seeking wages from the date of termination on the ground that the termination orders are *non-est* in law. Admittedly, the approval petitions have not yet been decided, and no separate Industrial Dispute (I.D.) has been raised by the workmen before the Labour Court questioning the



validity of their termination.

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6. While it is true that if a termination is ultimately not approved by the competent authority, the workmen become entitled to all consequential benefits from the date of inception, the present Computation Petitions have been filed seeking such amounts while the issue of termination is still pending approval.

7. The learned counsel for the petitioner-Management relied upon the judgment of a Division Bench of this Court in ***The General Secretary, Dakshin Bharat Hindi Prachar Sabha, T.Nagar, Chennai Vs. K.Ethiraj*** (W.A.Nos.2127 & 2128 of 2025), reported in 2026-II-LLJ-535 (Mad). It has been held that there must be a pre-existing, existing, or adjudicated right accruing to the workman for the Labour Court to entertain an application under Section 33-C(2) of the Act.

8. In the present case, the amounts are claimed from the date of termination, and no adjudication has taken place regarding the validity of the said termination. Since the approval petitions are still pending, it cannot be said that any right to wages has crystallised in favour of the respondent-workmen. The proceedings under Section 33-C(2) are in the nature of execution proceedings and cannot precede the adjudication or crystallisation of legal rights. Following the principles laid down by the Division Bench in



W.A.Nos.2127 & 2128 of 2025, these Writ Petitions deserve to be allowed.

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9. Accordingly, these Writ Petitions are allowed. The common order passed by the Labour Court in I.A.No.1 of 2026 in C.P.Nos.1, 2, and 3 of 2025 is hereby set aside. No costs. Consequently, connected Miscellaneous Petitions are closed.

K.SURENDER J.
16-07-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

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K.SURENDER J.

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