

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.10.2017  
CORAM

THE HON'BLE MR.JUSTICE HULUVADI G.RAMESH  
AND  
THE HON'BLE MR.JUSTICE RMT.TEEKAA RAMAN

Writ Appeal Nos.2762 & 2763 of 2012

C.T.Premalath Menon

..Appellant in both W.As.

Vs.

The Management of New  
Standard Engineering,  
Now called as NESCO Ltd.,  
NSE Estate, Western Express High Way,  
Goragan East, Mumbai-63

.. Respondent-1 in  
W.A.No.2762 of 2012

The Management of New  
Standard Engineering  
No.26, Commander-in-Chief Road  
Chennai 600 008.

.. Respondent-1 in  
W.A.No.2763 of 2012

The II Addl. Labour Court  
City Civil Court Annex Building  
Chennai 104.

.. Respondent-2 in  
W.A.No.2762 of 2012

The Principal Labour Court  
City Civil Court Building  
Respondent-2 in  
Chennai 600 104.

.. Respondent-2 in  
W.A.No.2763 of 2012

Appeals under Clause 15 of the Letters Patent filed against  
the common order dated 12.8.2011 made in W.P.Nos.25417 of 2006 &  
38754 of 2005.

Prayer in W.P.Nos.25417 of 2006:-

This petition is filed under Article 226 of Constitution of  
India, praying to issue a writ of certiorari calling for the  
records pertaining to the Award dated 27.4.2006 made in  
C.P.No.136/2003. on the file of the first respondent herein and  
quash the same.

Prayer in W.P.No.38754 of 2016:-

This Petition is filed Under Article 226 of Constitution of India, praying to issue a Writ of Certiorari calling for the records pertaining to the Award dated 29.01.2004 made in C.P.No.234 of 1998 on the file of the first respondent herein and quash the same.

For Appellant : Mr.R.Rajaram  
For Respondent-1 : Mr.M.Chidambaram

#### J U D G M E N T

(Delivered by Huluvadi G.Ramesh, J)

The writ appeals are directed against the common order dated 12.8.2011 made in W.P.Nos.25417 of 2006 & 38754 of 2005.

2. The appellant joined the first respondent Management on 27.3.1972, as Stenographer. Due to the problem in her eye sight, she was posted as Despatch Clerk and as Petty Cash Clerk and on 13.12.1993, she was terminated from service. In the industrial dispute raised by the appellant, she was directed to be reinstated with backwages, continuity of service and other attendant benefits. Since she was not reinstated, she filed Claim Petition claiming amount under various heads for the period from 01.01.1994 to 31.3.1998. The Labour Court held that the appellant is entitled to a sum of Rs.1,34,103.83. Pursuant to the order of the Labour Court directing to reinstate the appellant, the first respondent Management offered the appellant to join their Branch office at Delhi. However, the appellant chose to file another Claim Petition claiming wages for the period from 01.4.1998 to 28.02.2003 and also bonus amounting to Rs.6,06,120/-. The Labour Court computed a sum of Rs.6,06,120/-. Aggrieved by the orders of the Labour Court, the first respondent Management filed writ petitions.

3. The learned single Judge, after going through the papers placed before him and after considering the submissions made by both the parties, held that except the amount deposited by the Management pursuant to the interim orders passed by this Court, namely a sum of Rs.3,53,700/-, the appellant is not entitled to any further amount and that further claim petitions pending before the Labour Court are also not maintainable. Aggrieved by the said order, the appellant is before this Court.

4. Heard the learned counsel appearing for both the parties.

5. Though according to the learned counsel for the appellant, the appellant has to be awarded backwages amounting to more than Rs.1.00 Lakh, the learned counsel for the first respondent submitted that pursuant to the order of reinstatement, the appellant was given an offer to join at Delhi office and since the appellant did not join, she cannot claim backwages.

6. Admittedly, the first respondent had offered the appellant to join the Delhi office. On one ground or other, the appellant did not join the office. Therefore, she is not entitled to claim any amount. Further, the appellant has been paid a sum of Rs.1,00,380/-, apart from Provident Fund. Therefore, as rightly held by the learned single Judge, if the amount lying in deposit with the Labour Court is withdrawn by the appellant, the same would be sufficient towards the full and final settlement to the appellant and thereafter, she is not entitled to any further amount.

7. Thus, we find no reasons to interfere with the order of the learned single Judge and accordingly, the writ appeals are dismissed. There shall be no order as to costs.

Sd/-  
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

kpl  
To

1. The Presiding Officer,  
The II Addl. Labour Court  
City Civil Court Annex Building  
Chennai 104.

2. The Presiding Officer,  
The Principal Labour Court  
City Civil Court Building  
Chennai 600 104.

+2ccs to Mr.M.Chidambaram, Advocate, S.R.No.74968  
+1cc to Mr.R.Rajaram, Advocate, S.R.No.75778

W.A.Nos.2762 & 2763 of 2012.

NRI (CO)  
CS/06/12/17