

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.07.2018

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

AND

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

W.A.Nos.1255 & 1256 of 2014
& MP Nos.1 & 1 of 2014

Chief Executive Officer
District Forest Officer,
Sandalwood Industrial Complex,
Tirupattur 635 601. Appellant in both the Appeal

versus

1. Mrs.Mallika
2. Mrs. Rathinammal
3. Mrs.Vasantha
4. K.Vijaya
5. Mrs. Pachiyammal
6. Mrs. R.Selvi
7. Mrs. Jothi
8. Mrs. Lakshmi
9. Mrs. Kamala
10. Mrs.Chinnakannu
11. Mrs. Rani
12. Mrs. Karpoorvalli
13. Mrs. Banu
14. Mrs. Krishnaveni
15. Mrs. M.Neela
16. Mrs. K.Rani
17. Mrs. P.Vanitha
18. Mrs. Padma
19. The Presiding Officer,
Labour Court, Vellore ... Respondents in both the Appeals

Appeals filed against the order passed by this Court dated 17.07.2013 passed an interim order in MP Nos.1 of 2013 in W.P.Nos.19354 & 19355 of 2013 respectively.

MP.1 OF 2013 IN WP.19354 OF 2013:

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to stay the award passed by the Principal Labour Court,

Vellore in C.P.No.38/2010 in I.D.No.15 to 34 & 36 of 1999 dated 21.11.2012, pending disposal of the writ petition No.19354 of 2013.

MP.1 OF 2013 IN WP.19355 OF 2013:

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to stay the award passed by the Principal Labour Court, Vellore in C.P.No.02/2012 in I.D.No.15 to 34 & 36 of 1999 dated 21.11.2012, pending disposal of the writ petition No.19355/2013.

WP.19354 OF 2013: has been filed Under Article 226 of Constitution of India praying to issue a writ of certiorari to call for the records in C.P.No.38/2010 in I.D.No.15 to 34 & 36 of 1999 dated 21.11.2012 before the Principal Labour Court, Vellore and quash the same.

WP.19355 OF 2013: has been filed Under Article 226 of Constitution of India praying to issue a writ of certiorari to call for the records in C.P.No.02/2012 in I.D.No.15 to 34 & 36 of 1999 dated 21.11.2012 before the Principal Labour Court, Vellore and quash the same

For Appellant : Mr.Bala Ramesh
(in both the Appeals) Special Government Pleader

For Respondents : Mr.S.T.Varadarajulu
(in both the Appeals)
1 to 18

J U D G M E N T

(Judgment of the Court was delivered by R.SUBRAMANIAN, J.)

Aggrieved by the interim order made in the Stay Petitions in MP Nos.1 of 2013 in WP Nos.19354 and 19355 of 2013, the petitioner (appellant herein) in the Writ Petition is before us by way of this Intra Court Appeals.

2.The Challenge in the Writ Petitions was to the orders of the Labour Court passed in Computation Petition Nos.38 of 2010 and 2 of 2012.

The facts that led to the filing of the Writ Petitions are as follows:

3. The petitioners in the Writ Petitions were employed in the Sandalwood Industrial Complex, Tirupattur, their services were terminated on 07.09.1997. An Industrial Disputes were raised by the respondents in ID No.15 to 34 and 36 of 1999 and award came to be passed on 14.12.2000, directing the Management to reinstate them with continuity of service and back wages and all other attendant benefits. The said award of the Labour

Court was challenged by way of Writ Petitions in WP Nos.3476 to 3497 of 2001 in this Court. The Writ Petitions came to be dismissed on 01.12.2009. The Appeals filed against the said order also came to be dismissed by a Division Bench of this Court on 01.08.2001. It is submitted that as against the order of the Division Bench in Writ Appeal Nos.581 to 602 of 2010 dated 01.08.2011, the Special Leave Petitions filed before the Hon'ble Supreme Court and leave was also granted by the Hon'ble Supreme Court and the matters were said to be pending in the Civil Appeals.

4. It is also stated that all the respondents have been reinstated except those of whom, who had attained the age of Superannuation. On 11.02.2013, the Hon'ble Supreme Court has passed an interim order in the Special Leave Petitions, recording the fact that the workman had been reinstated and directing the payment of terminal benefits to those workmen who were retired, pending the above Special Leave Petitions, which have been converted into Civil Appeals. The workmen moved the Labour Court by way of the Computation Petitions. The Computation Petitions were allowed by the Labour Court, directing payment of Rs.4,69,089/- to each of the workman in CP No.38 of 2010 and Rs.90,000/- to each of the workman in CP No.2 of 2012. The said awards made in the Computation Petitions are subject matter of challenge in WP Nos.19354 and 19355 of 2013. Pending the above Writ Petitions, the appellant had sought for stay of execution of the award of the Labour Court.

5. The learned Single Judge, by an order dated 17.07.2013, granted interim stay on condition the petitioner in the Writ Petition, viz. the appellant herein deposits a sum of Rs.2,30,000/- for each of the workman in WP No.19354 of 2013 and a sum of Rs.45,000/- for each of the workman in WP No.19355 of 2013, within a period of 8 weeks from the date of receipt of a copy of the order. It is seen that the applications for extension of time for file and the time was extended by an order dated 09.06.2014. Finding that in subsequent similar cases the Hon'ble Supreme Court had granted stay of the award insofar as it relates to the payment of back wages is concerned.

6. In the Special Leave Petition Nos.24930 to 24939, 24940 to 24948 and 24949 to 24958 of 2013, the appellants have come forward with the Appeals, challenging the conditions imposed with the awards and the Hon'ble Supreme Court had granted stay of the award in relation to back wages in respect of other similarly placed workmen are concerned.

7. We have heard Mr.Bala Ramesh, learned Special Government Pleader appearing for the appellant and Mr.S.T.Varadarajulu, learned counsel appearing for the respondents 1 to 18 viz. the

workmen.

8. The fact that the original awards directing reinstatement of the respondents/workmen are subject matter of the pending Civil Appeals before the Hon'ble Supreme Court is not in dispute. It is also seen from the interim order of the Supreme Court dated 11.02.2013, the Hon'ble Supreme Court had recorded the fact that the appellants have reinstated the workmen and directed the appellants to pay the retirement benefits of those workmen, who had already attained the age of superannuation. By interim orders made in connected Special Leave Petitions dated 29.07.2013, the Hon'ble Supreme Court had stayed the operation of the Original Awards, insofar as they related to payment of back wages.

9. It is seen that the interim orders of the Hon'ble Supreme Court granting stay of the award insofar as it relates to the payment of back wages was made after the orders of the learned Single Judge dated 17.07.2013, which are impugned in these intra Court Appeals. Considering the cumulative effect of the interim orders granted by the Hon'ble Supreme Court, we are of the opinion that it is a fit case, where the prayer for stay should have been allowed without imposing any conditions, particularly in view of the fact that the very award by which the respondents 1 to 18 were directed to be reinstated along with full back wages and continuity of service are subject matter of proceedings pending before the Hon'ble Supreme Court.

10. In view of the foregoing reasons, the Writ Appeals are allowed, the portion of order imposing condition for payment of 50% of the amount computed by the Labour Court to each of the employees, will stand deleted and MP No.1 of 2013 in WP No.19354 of 2013 and MP No.1 of 2013 in WP No.19355 of 2013 will stand allowed, granting stay of execution of the orders made in the Computation Petitions, which are subject matter of challenge in those Writ Petitions till disposal of the Writ Petitions. However, in the circumstances there will be no order as to costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-)

//True Copy//

Sub Assistant Registrar

jv

To

1. Chief Executive Officer
District Forest Officer,
Sandalwood Industrial Complex,
Tirupattur 635 601.

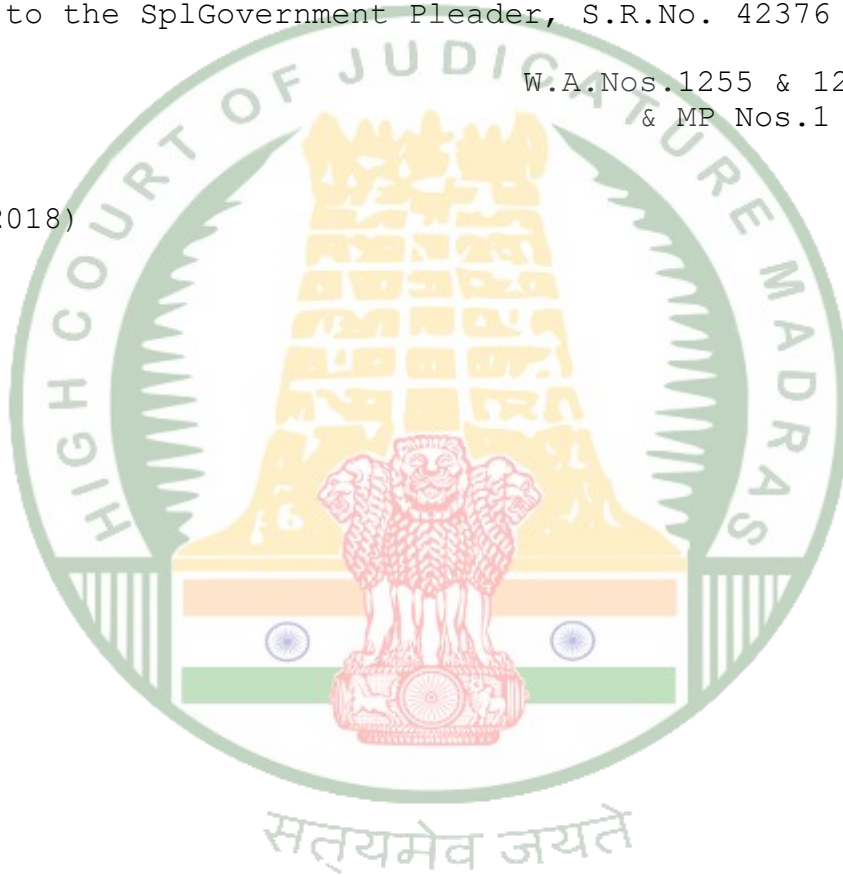
2. The Presiding Officer,
Labour Court, Vellore

+1cc to Mr.S.T.VARADARAJALU, Advocate, S.R.No.42453

+1cc to the SplGovernment Pleader, S.R.No. 42376

W.A.Nos.1255 & 1256 of 2014
& MP Nos.1 & 1 of 2014

JP(CO)
TR(17/07/2018)



WEB COPY