

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 18.06.2018

CORAM

THE HON'BLE MR.JUSTICE P.D.AUDIKEVALU

W.P.Nos.1432, 1433, 1434, 1435 and 1436 of 2004

The Workmen rep by
The General Secretary,
The Madras Press Labour Union,
No.204, Prakasam Salai,
Broadway,
Chennai – 600 108

Petitioner in W.P.No.1432 of 2004

Vs.

The Presiding Officer,
Industrial Tribunal,
City Civil Court Buildings.
Chennai – 600 104.

.... 1st Respondent in all the Writ Petitions

The Management of
Madras Printers Services,
New No.68, Old No.268,
Royapettah High Road,
Chennai – 600 014

.... 2nd Respondent in W.P.No.1432 of 2004

The Management of Protech Container (P)Ltd.,
49, SIDCO Industries Estate,
Ambattur,
Chennai – 600 098

.... 2nd Respondent in W.P.No.1433 of 2004

The Management of Radiant Color Graphics,
New No.68, Old No.268,
Royapettah High Road,
Chennai – 600 014

.... 2nd Respondent in W.P.No.1434 of 2004

The Management of New Man Press (P) Ltd.,
New No.68, Old No.268,
Royapettah High Road,
Chennai – 600 014

.... 2nd Respondent in W.P.No.1435 of 2004

The Management of Excelbex,
No.1, Anumandha Road,
Balaji Nagar,
Royapettah,
Chennai – 600 014

.... 2nd Respondent in W.P.No.1436 of 2004

Writ Petitions filed under Article 226 of the Constitution of India praying to issue Writ of Certiorarified Mandamus to call for the records relating to the award dated 11.07.2003 made in I.D.Nos.12, 14, 13, 17 and 16 of 2002 passed by the First Respondent herein, quash the same and direct the Second Respondent to pay 8 days wages to the workers covered in I.D.No.12 of 2002 on the file of the First Respondent.

For Petitioner : Mr.S. Senthilnathan

For R.1 : Tribunal

For R.2 in all : Mr.S. Sai Prasad for
Writ Petitions M/s Sai Raaj Associates

COMMON ORDER

These Writ Petitions challenge the Award dated 11.07.2003 in I.D.Nos.12, 14, 13, 17 and 16 of 2002 passed by the Industrial Tribunal, Chennai, the First Respondent herein, in which, the imposition of deduction of eight (8) days' wages as penalty on the workmen has been upheld.

2. On a perusal of the impugned order, it is noticed that the Industrial Tribunal, after narrating the sequence of events culminating in that industrial dispute and referring to the judicial decisions governing the issue, has by cogent reasons arrived at a factual finding that the strike resorted by the workman was both illegal as well unjustified. The resultant penalty inflicted on the workmen concerned by deducting their eight (8) days' wages during the period of strike applying the principle of 'no work, no pay' is also commensurate with the gravity of misconduct proved. Hence, this Court does not find any infirmity in the impugned order warranting interference in the exercise of discretionary powers under Article 226 of the Constitution of India and the same stands confirmed.

3. At that stage, the learned counsel for the Petitioner submits by referring to para 21 of the award, which has been confirmed in para 15 of the counter affidavit that eight (8) days' wages that was deducted has been deposited with the Tamil Nadu Labour Welfare Fund and that the workmen concerned may be permitted to withdraw the same.

4. Having regard to the fact that the amount involved in each case is meagre, Mr.S. Sai Prasad, learned counsel appearing for the Second Respondent fairly submits that though no exception could be taken to the impugned order, since the Management of the Second Respondent in each of the cases are not functioning now and no useful purpose would be served by not permitting the workmen to withdraw the amount, the Second Respondent does not have any objection for the concerned Petitioners to seek withdrawal of the aforesaid amount deposited with the Tamil Nadu Labour Welfare Fund and he has also filed a Memo to that effect.

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5. Recording the same, all the Writ Petitions stand dismissed with liberty to the concerned workmen to make necessary application before the Tamil Nadu Labour Welfare Fund for withdrawal of the amount deposited towards eight (8) days' wages by the Second Respondent in the respective cases. No costs.

18.06.2018

sr

Speaking Order

Index:yes/no

website:yes

To

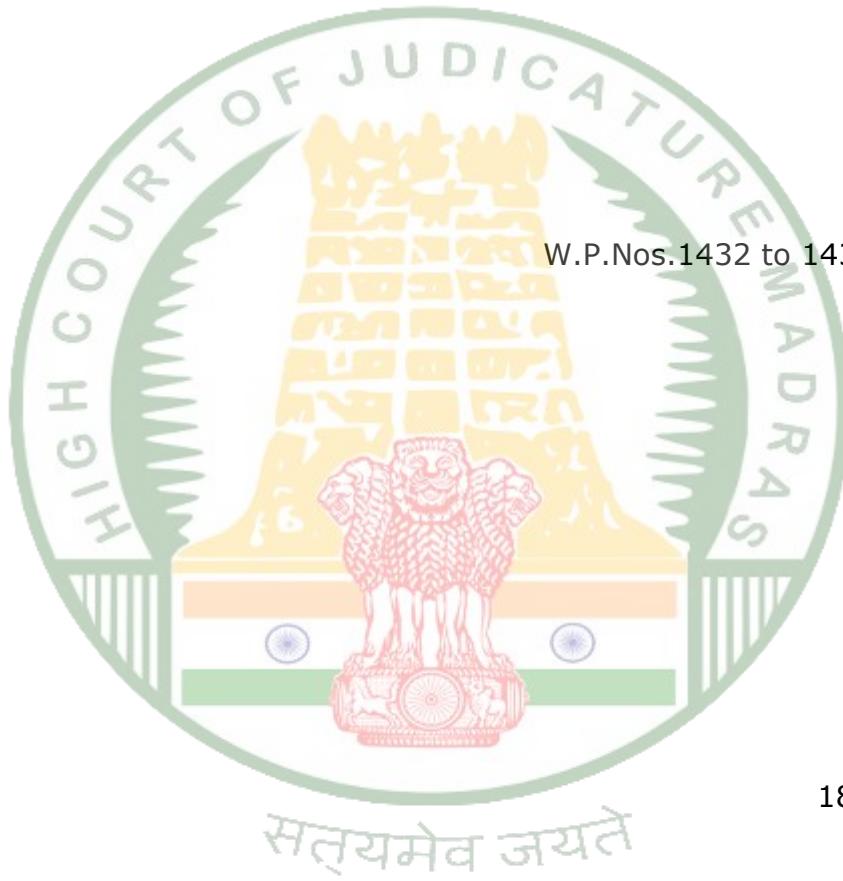
The Presiding Officer,
Industrial Tribunal,
City Civil Court Buildings.
Chennai – 600 104.

Copy to

The Tamil Nadu Labour Welfare Board,
DMS Campus, Anna Street,
Chokkalingam Nagar,
Teynampet,
Chennai – 600 006

P.D.AUDIKESAVALU,J.,

sr



W.P.Nos.1432 to 1436 of 2004

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