



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.02.2018

CORAM:

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THE HONOURABLE **MR. JUSTICE G.R. SWAMINATHAN**

Writ Petition(MD)No.19171 of 2016

and

W.M.P(MD)Nos.13839 and 13840 of 2016

I.Maria Simon

... Petitioner

Vs.

1. The Presiding Officer,
I Additional Labour Court,
Chennai.

2. The Chief Executive Officer,
Tamil Nadu Khadi and Village
Industrial Board,
Kuralagam,
Chennai - 600 108.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order dated 16.08.2013 made in claim petition in C.P.No.75/2007, on the file of the first respondent and quash the same as illegal and consequently direct the second respondent to compute a sum of Rs.9,38,723/- towards the petitioner's back wages from the date of termination as Match Supervisor to till 19.12.1996 and other attendant benefits, and give it to the petitioner, within stipulated time fixed by this Court.

For Petitioner : Mr.C.Kishore

For Respondents : Mr.S.Srimathy
Spl. Govt. Pleader for R1
Mr.G.Karnan for R2

O R D E R

The petitioner was employed as 'Match Supervisor' in the second respondent Board. He had entered into service in the year 1974. He was ousted from service in the year 1978. After a lapse of 13 years, the petitioner herein raised industrial dispute. I.D.No.793/1991 filed by the petitioner herein on the file of the first respondent was allowed and the petitioner herein was ordered



to be reinstated with backwages and continuity of service. The said award was challenged by the Management by filing W.P.No.3076 of 1996. Finally, the writ petition was dismissed and the writ appeal filed by the Management was also dismissed. The Honourable Division Bench of this Court also directed that the consolidated pay of Rs.500/- drawn by the petitioner to be increased to Rs.2,000/- from September 2006 onwards. The petitioner reached superannuation on 31.05.2006 and he retired from service. Thereafter, the petitioner filed C.P.No.75/2007 on the file of the first respondent under Section 33(C)(3) of the Industrial Dispute Act, 1947. The petitioner sought for a direction for payment of Rs.9,38,723/-. The said petition was opposed by the Management and the Labour Court by order dated 16.08.2013 dismissed the claim petition. Assailing the same, the present writ petition has been filed by the employee.

2. Heard the learned counsel appearing on either side.

3. The award passed in favour of the writ petitioner in I.D.No.793.1991 was questioned by the Management in W.P.No.3076 of 1996. During the pendency of the said proceedings, the backwages payable to the writ petitioner was quantified at Rs.37,000/-. When the writ petition was finally dismissed, this Court held that the petitioner is entitled to withdraw the amount of Rs.25,000/-. The Management was directed to pay the balance amount of Rs.8,000/- towards backwages upto 19.09.1996. Since the quantum of backwages payable to the petitioner herein already was quantified by this Court in W.P.No.3076 of 1996, this Court is of the view that it is not permissible to the petitioner herein to litigate again. The Labour Court dismissed the claim petition only in view of the said order dated 10.10.2003 made in W.P.No.3076 of 1996. There is no merit in this writ petition. This writ petition is dismissed. No costs. Consequently, connected miscellaneous petitions are also dismissed.

Sd/-

Assistant Registrar(AS)

/True Copy/

Sub Assistant Registrar

To

1. The Presiding Officer,
I Additional Labour Court, Chennai.

2. The Chief Executive Officer,
Tamil Nadu Khadi and Village
Industrial Board,

Chennai - 600 108.



+1cc to Mr.C.Kishore, Advocate Sr.No.50757
+1cc to Mr.G.Karnan, Advocate Sr.No.50283

SKN

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VB/RSK/SAR4/09.07.2018/3P/5C

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