

IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED: 15.03.2019

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

WP.Nos.5815 & 16685 of 2004

and

WP.MP.No.19536 of 2004 in WP.No.5815 of 2004

The Vellore Co-operative Sugar
Mills Limited, Ammundi,
Vellore Sugar Mills Post,
Vellore District-632 519
Represented by its Special Officer

... Petitioner in WP.No.5815/2004

&

2nd Respondent in WP.No.16685/2004

Vs

The Presiding Officer,
Labour Court,
Vellore. ...

1st Respondent in both WPs

K.Duraisamy ...

2nd Respondent in WP.No.5815/2004

&

Petitioner in WP.No.16685/2004

PRAYER in WP.No.5815/2004: Writ Petition filed under Article 226 of the Constitution of India to issue Writ Order or direction in the nature of Writ of Certiorari to call for the records relating to the proceeding of the 1st respondent dated 22.12.2003 in ID.No.276 of 1999 and quash the same.

PRAYER in WP.No.16685/2004: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorified Mandamus calling for the records of the 1st respondent award in I.D.No.276 of 1999 dated 22.12.2003 and quash the same in so far as it relates to the denial of backwages to the petitioner only consequently directing the 2nd respondent to pay the entire backwages of the petitioner from the date of dismissal till date of award.

For Petitioner : Mr.S.Patrick
for M/s.K.Rajasekaran,
in WP.5815/2004

M/s.Gemma Hepsibeula for
Mr.J.Saravanavel in WP.16685/2004

For Respondents : R1 -Court-in both WPs.

M/s.Gemma Hepsibeula for
Mr.J.Saravanavel for R2 in WP.5815/2004

Mr.S.Patrick
for M/s.K.Rajasekaran forR2,
in WP.16685/2004

C O M M O N O R D E R

The Management as well as the Workmen have filed the above writ petitions challenging the award dated 22.12.2003 made in ID.No.276 of 1999 for an order of reinstatement without backwages.

2. When the matter was listed on 20.02.2019, the learned counsel for the workmen submitted that if the award of the Labour Court is sustained in both the writ petitions, he would be entitled for the pensionary benefits and since he has reached the age of superannuation, he is not insisting for the backwages. To such a submission, the learned counsel for the management sought time to get instructions.

3. Today, when the matter was called, the learned counsel for the management produced a copy of the instructions dated 23.06.2018, wherein the respondents had stated that the management is willing to pay the terminal benefits to the petitioner. The learned counsel also submitted that pursuant to the award, they had also been paying the wages under Section 17-B of the Industrial Disputes Act from 22.12.2003 till 30.09.2013, when the workmen had reached his age of superannuation.

4. In view of the submissions made by both the counsels, both the writ petitions stand closed and the award passed in ID.No.276 of 1999, dated 22.12.2003 on the file of the Presiding Officer, Labour Court, Vellore, is confirmed. Consequently, the management shall ensure that the terminal benefits without backwages are paid to the workmen, atleast within a period of 6 weeks from the date of receipt of copy of this order. The management shall not seek for refund of the 17-B wages already paid to the petitioner. No costs. Consequently, connected Miscellaneous petition is also closed.

Sd/-

Assistant Registrar (CS-V)

//True Copy//

Sub Assistant Registrar

jrs/hvk

To

1.The Presiding Officer,
Labour Court,
Vellore.

2.The Special Officer
Vellore Co-operative Sugar
Mills Limited, Ammundi,
Vellore Sugar Mills Post,
Vellore District-632 519

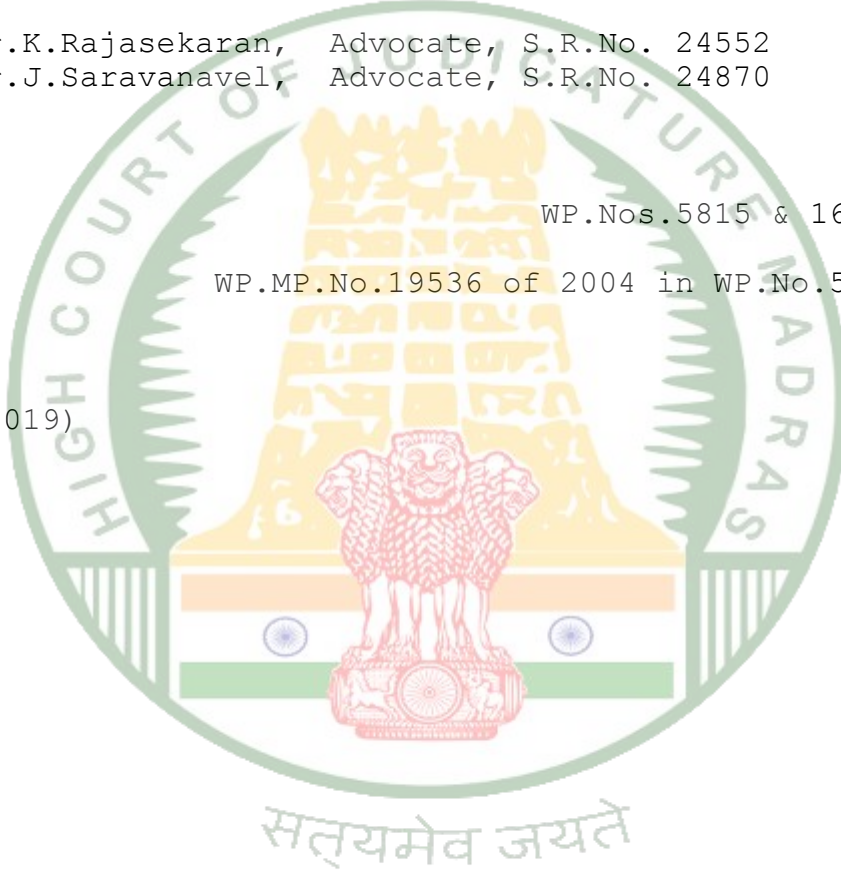
+1cc to Mr.K.Rajasekaran, Advocate, S.R.No. 24552

+1cc to Mr.J.Saravanavel, Advocate, S.R.No. 24870

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SSD(CO)
GN(12/04/2019)



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