

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.10.2019

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THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.Nos.19720 to 19722 & 19733 to 19735 of 2005
and

W.P.M.P.Nos.21442 to 21444 and 21458 to 21460 of 2005

The Commandant,
The Madras Regimental Centre,
Wellington - 643 232

..Petitioner in all the above
Writ Petitions

Vs.

Mr.D.Radhakrishnan

..1st Respondent in W.P.19720/2005.

S. Sudhagar

..1st Respondent in W.P.19721/2005

N. Durai

..1st Respondent in W.P.19722/2005

K. Sathish Kumar

..1st Respondent in W.P.19733/2005

R. Krishnamurthy

..1st Respondent in W.P.19734/2005

C. Murugan

..1st Respondent in W.P.19735/2005

2. The Central Government Industrial
Tribunal Cum Labour Court,
Ist Floor, 'B' Wing, Shastri Bhawan,
26, Haddows Road, Nungambakkam,
Chennai - 6.

..2nd Respondent in
all W.Ps

Prayer : Writ Petition filed under Article 226 of the
Constitution of India praying to issue a Writ of Certiorari,
calling for the records relating to the impugned award passed by
the Second Respondent Tribunal in I.D.No.91 of 2003, 104/2003,
105/2003, 87/2003, 88/2003, 89/2003 respectively on 28.10.2004
and quash the same.

For Petitioner : M/s.S.S.Meenakumary
Central Government Standing
counsel (CGSC)
[in all W.Ps]

For Respondents :R1 - Mr.A.Natarajan
For M/s.Ayyar and Iyer
[in all W.Ps]

R2 - Labour Court
[in all W.Ps]

C O M M O N O R D E R

The Awards dated 28.10.2004 passed by the Central Government Industrial Tribunal-cum-Labour Court in I.D.No.91 of 2003, I.D.No.104 of 2003, I.D.No.105 of 2003, I.D.No.87 of 2003, I.D.No.88 of 2003 and I.D.No.89 of 2003 are under challenge in the present writ petitions.

2. The Commandant, The Madras Regimental Centre is the writ petitioner. In view of certain developments took place during the pendency of the writ petitions, detailed adjudication regarding the facts of the cases are not required.

3. The learned counsel appearing on behalf of the writ petitioner contended that the respondent workmen were engaged as Gardeners on consolidated pay salary. They were discharged from service on 21.09.2000. The said Gardeners / workmen were reinstated into service from 20.04.2003 onwards. All these Gardeners were allowed to continue in service on consolidated pay salary and the some of them had resigned the job on their own volition and the details of the resigned workman are as under:

S No	Name of Gardeners	Date of Employment	Date of Termination	Date of Reinstatement	Pay fix after reinstatement	Dt of left the Job
(a)	M Diso Kumar	Aug 1998	21 Sep 00	20 Apr 03	1620/-PM	Resignation on 09 May 2003. Stating that salary not enough
(b)	C Murugan	Jul 1997	21 Sep 00	20 Apr 03	1680/-PM	Jun 2008 in his own interest
(c)	R Krishnamurthy	Sep 1995	21 Sep 00	20 Apr 03	1740/-PM	Jun 2008 in his own interest

S No	Name of Gardeners	Date of Employment	Date of Termination	Date of Reinstatement	Pay fix after reinstatement	Dt of left the Job
(d)	D Radhakrishnan	Oct 1989	21 Sep 00	20 Apr 03	1920/-PM	May 2013 in his own interest
(e)	S Sudhagar	Mar 1998	21 Sep 00	20 Apr 03	1620/-PM	May 2013 in his own interest
(f)	K Sathish Kumar	May 1998	21 Sep 00	20 Apr 03	1620/-PM	Still in Working in MRC
(g)	N Durai	Jun 1992	21 Sep 00	20 Apr 03	1860/-PM	Still in Working in MRC

4. In respect of the last two workmen as mentioned in the above tabular column, they are still continuing in the post of Gardener on consolidated pay salary. As far as those two Gardeners are concerned, they will be allowed to continue in the said post.

5. The learned counsel for the writ petitioner further stated that at the time of admission of the present writ petitions, this Court granted an interim order with a condition to deposit the entire back wages and accordingly, the writ petitioner had deposited the full back wages amounting to Rs.2,10,800/- (Rupees Two lakhs Ten Thousand Eight Hundred only) before the 2nd respondent Tribunal on 03.08.2005. The writ petitioner has no objection for the withdrawal the deposited backwages, which is now lying with the 2nd respondent Tribunal. As far as the resigned employees are concerned, they are also at liberty to file appropriate application before the 2nd respondent Tribunal for the purpose of withdrawal of their portion of the back wages as per the apportionment granted by the Labour Court in the Award.

6. This being the facts and circumstances, the writ petitioner themselves had implemented the Award by reinstating of the workmen and by depositing the entire back wages before the 2nd respondent Tribunal. The Awards being implemented by the writ petitioner, no adjudication on merits are required. Thus, the respondent workmen are permitted to file appropriate application before the 2nd respondent Tribunal for the purpose of withdrawal of their respective portion of the back wages as per the Award of the Labour Court and in the event of filing any application, the 2nd respondent Tribunal is directed to identify the workman concerned and accordingly, disburse their respective

portion of their back wages as per the Award, as expeditiously as possible. In respect of the other two workman, who are working, the petitioner themselves has stated that they will be allowed to continue in services.

7. With these directions, the writ petitions stand disposed of. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

-s/d-

Assistant Registrar (CS-I)

True Copy

Sub-Assistant Registrar

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To

1. The Central Government Industrial
Tribunal Cum Labour Court,
1st Floor, 'B' Wing, Shastri Bhawan,
26, Haddows Road, Nungambakkam,
Chennai - 6.

2. The Commandant
The Madras Regimental Centre
Wellington 643 232.

+1 CC to Mr.S. Meenakumary, Advocate sr 89097

+1 CC to Mr.A.Natarajan, Advocate sr 88963.

+5 CC to Mr.A.Natarajan, Advocate sr 88963.(27/01/2020)

W.P.Nos.19720 to 19722 & 19733 to
19735 of 2005

सत्यमेव जयते

JP (CO)
SP (03/12/2019)

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