

IN THE HIGH COURT OF JUDICATURE AT MADRAS

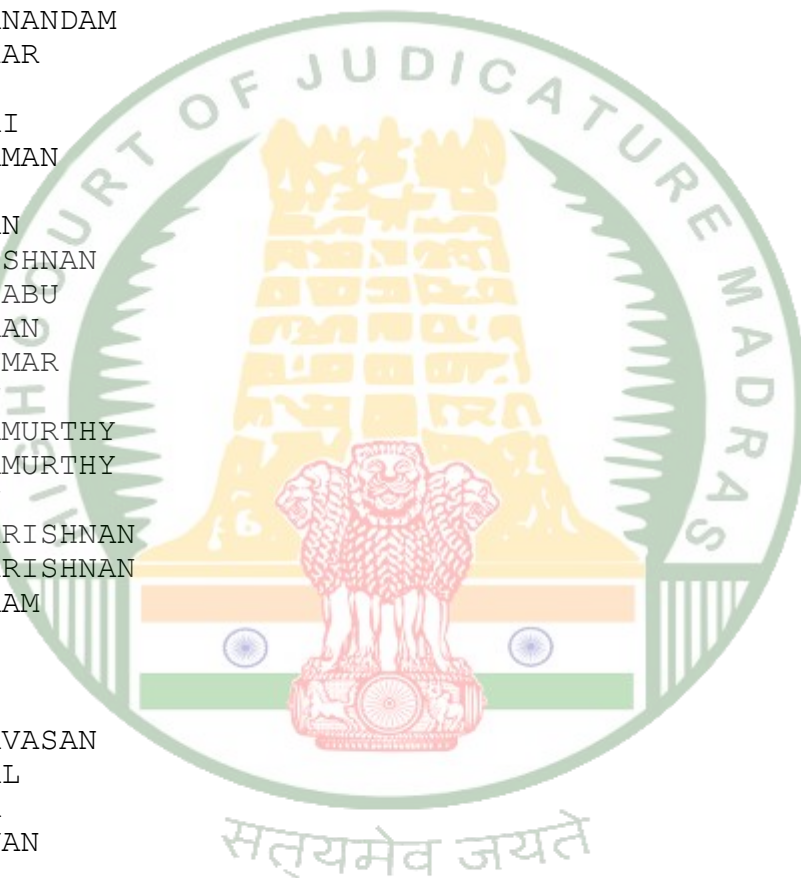
DATED: 31.10.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.30818 to 30829 of 2015

- 1.D.PUGAZHENDHI
- 2.P.MANOHRAN
- 3.V.SACHITHANANDAM
- 4.D.GNANASEKAR
- 5.V.BALAJI
- 6.M.ARUNAGIRI
- 7.D.JANAKIRAMAN
- 8.S.JOESPH
- 9.R.MANOHRAN
- 10.S.BALAKRISHNAN
- 11.K.CHITTIBABU
- 12.G.RAJENDRAN
- 13.M.PADMAKUMAR
- 14.ELANGOVAN
- 15.E.SUNDARAMURTHY
- 16.N.KRISHNAMURTHY
- 17.K.PANDIAN
- 18.A.GOPALAKRISHNAN
- 19.K.GOPALAKRISHNAN
- 20.M.THUKKARAM
- 21.R.PALANI
- 22.M.RAMANA
- 23.M.RAVI
- 24.C.MANICKAVASAN
- 25.SANTHAMMAL
- 26.RAVANAMMA
- 27.V.DEVARAJAN
- 28.K.RAMAN
- 29.N.P.MUNUSWAMY
- 30.T.R.SRINIVASAN
- 31.S.VIJAYAKUMAR
- 32.M.VENUGOPAL
- 33.C.KUPPUSAMY
- 34.D.EKAMBARAM
- 35.J.JOHN
- 36.M.MUNIRATHINAM
- 37.SURIYA GANDHI AMMAL
- 38.V.SEKARAN
- 39.R.SUNDARARAJAN
- 40.A.NARAYANASWAMY



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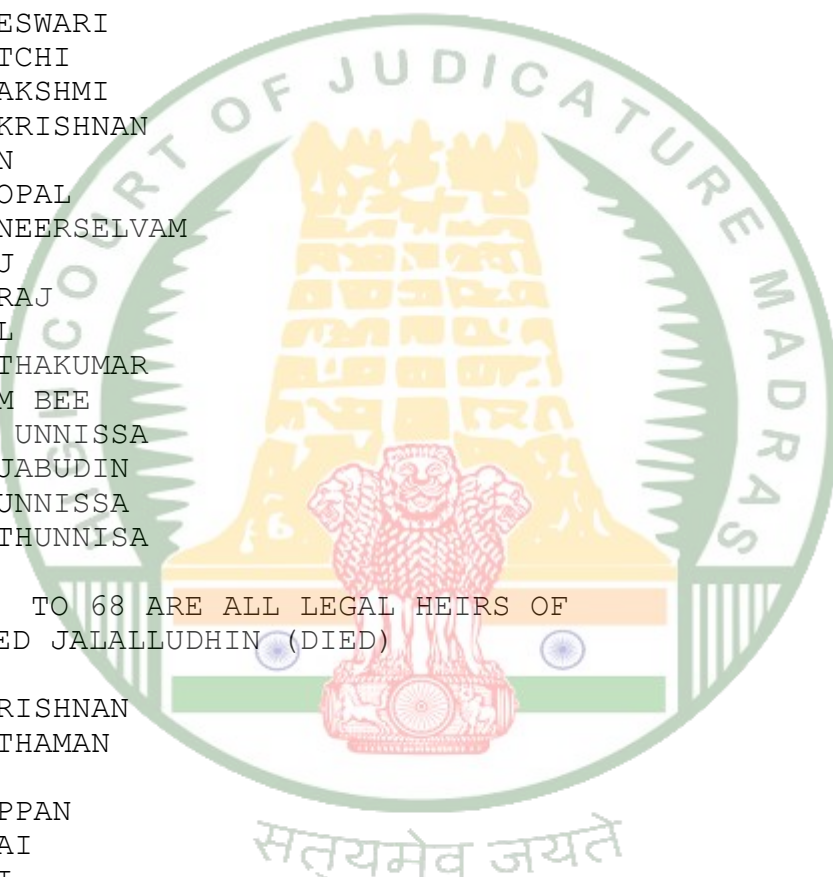
41.T.MANIVANNAN
42.R.SUNDARAM
43.P.RAJENDRAN
44.K.CHINNASAMI
45.K.VIJAYAKUMAR
46.L.K.LOGANATHAN
47.M.SHANMUGAM
48.N.KRISHNA MOORTHY
49.C.ALEXANDER SAMUEL
50.KARPAGAM
51.N.SUBBARAJ
52.MANJULA
53.K.KOTTEESWARI
54.VISHALATCHI
55.P.GAJALAKSHMI
56.M.RADHAKRISHNAN
57.J.KANNAN
58.T.VENUGOPAL
59.K.G.PANNEERSELVAM
60.M.PONRAJ
61.E.SELVARAJ
62.NAGAMMAL
63.D.VASANTHAKUMAR
64.J.MARIAM BEE
65.J.AMEER UNNISSA
66.J.SYED JABUDIN
67.J.FAIZ UNNISSA
68.J.NISHATHUNNISA

64 TO 68 ARE ALL LEGAL HEIRS OF
SYED JALALLUDHIN (DIED)

69.T.BALAKRISHNAN
70.M.PARANTHAMAN
71.K.GOPAL
72.V.MARIAPPAN
73.K.PITCHAI
74.M.INNASI
75.D.SHANTHI
76.J.KUPPUSWAMY
77.V.MARIAPPAN
78.G.GABRIEL
79.U.VAIJAYANTHI
80.U.SARANYA
81.U.JEEVANANDHAM

79 TO 81 ARE LEGAL HEIRS OF K.UDHAYAKUMAR (DIED)

82.C.BAKTHAN
83.K.VENUGOPAL



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84.A.RENUGA
85.K.SEKAR
86.R.SEKAR
87.GHOUSE BASHEER
88.N.KANNIAPPAN
89.G.KRISHNAMURTHY
90.A.ABDUL LATHEEF
91.V.KRISHNAN
92.T.BOOPATHI
93.R.VITTABAI
94.P.K.PURUSHOTHAMAN
95.D.USH
96.D.UMA
97.S.NITHYA

95 TO 97 ARE LEGAL HEIRS OF D.DASARATHAN (DIED)

98.B.KAMALAKKANNAN
99.D.PALANI
100.K.SUBRAMANI
101.S.KADIRVELU
102.K.ARUMUGAM
103.D.MURUGANANDAM

...PETITIONER IN WP.NO. 30818 OF 2019

1 G.BALARAMAN(TOKEN NO.332) ... PETITIONER in WP No.30819 of 2015
2 M.KESAVAN
3 A.JAYACHANDRAN
4 R.VEERARAGHAVAN

5 M.DANIEL
6 P.NAGARAJAN
7 K.ALALASUNDARAM
8 L.NANDAN
9 M.NAGAIHA
10 G.JAYAMMA
11 M.NIRMALA

12 A.MARIA JOSEPH
13 K.NAGAIHA

14 A.FRANCIS
15 M.ANANDA KRISHNAN
16 J.DEVENDRAN
17 A.VENKATACHALAM
18 M.NAGESWARA RAO
19 K.GOVINDASAMY
20 C.DEVENDRAN
21 J.REETA
22 B.MANOCHARAN

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23 E.SUBBARAYADU
24 D.RAJENDRAN
25 M.VELAPPAN
26 V.VEMBULI
27 A.PONNUSAMY
28 R.VENKATSAMY
29 N.MEGAVARNAM
30 M.PONNURANGAM

31 A.VAIDYA LINGAM
32 R.GOTHANDAN
33 B.MOHANAN

34 K.MALLEESWARI
35 K.MUNI MANJU
36 K.GEETHA

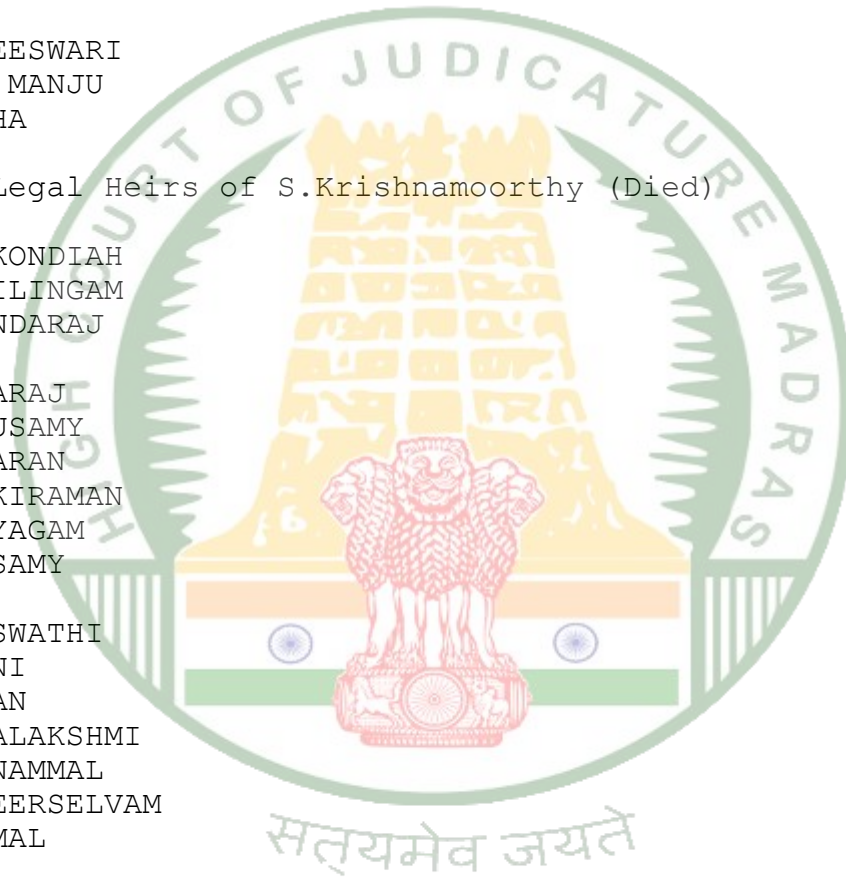
34 to 36 Legal Heirs of S.Krishnamoorthy (Died)

37 B.MALAKONDIAH
38 M.JOTHILINGAM
39 K.GOVINDARAJ

40 L.SELVARAJ
41 S.KUPPUSAMY
42 V.SANKARAN
43 E.JANAKIRAMAN
44 S.VINAYAGAM
45 P.MUNUSAMY

46 R.SARASWATHI
47 R.PALANI
48 K.ARASAN
49 G.DHANALAKSHMI
50 G.KARUNAMMAL
51 P.PANNEERSELVAM
52 M.PERUMAL

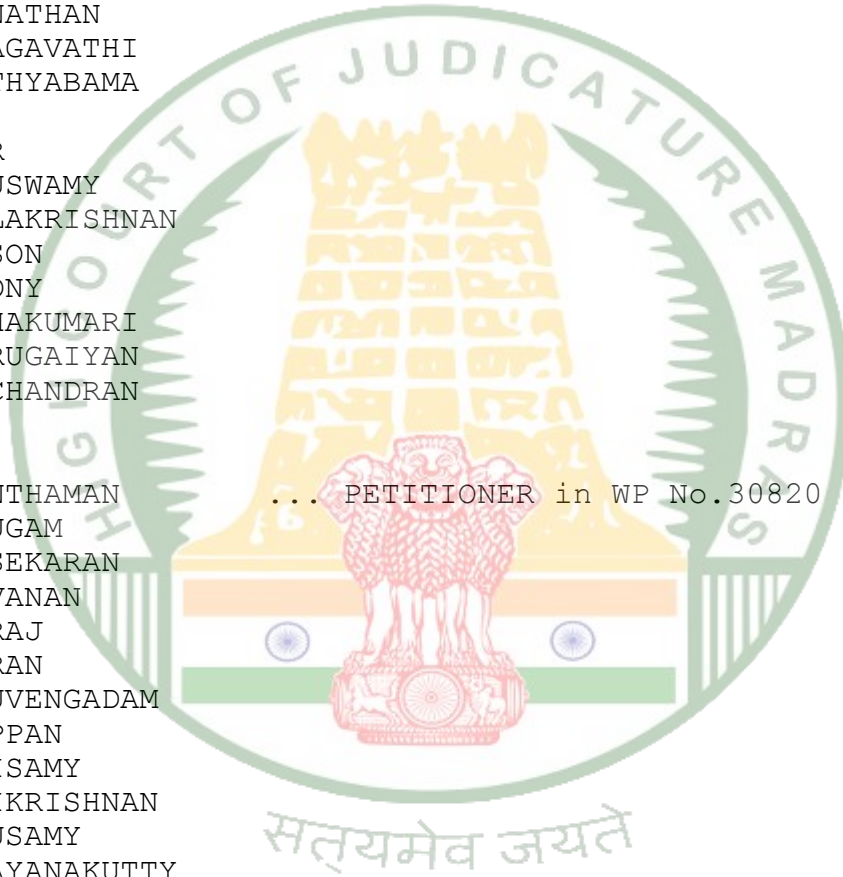
53 IQBAL AHMED JEDDY
54 K.MEENAKSHI SUNDARAM
55 N.EZHUMALAI
56 K.SETHURAMAN
57 K.MUTHU
58 V.SHANMUGAM
59 N.NEELAKANDAN
60 G.YOGAN
61 N.DAMODHARAN
62 P.MANI
63 G.PUSHPARAJ



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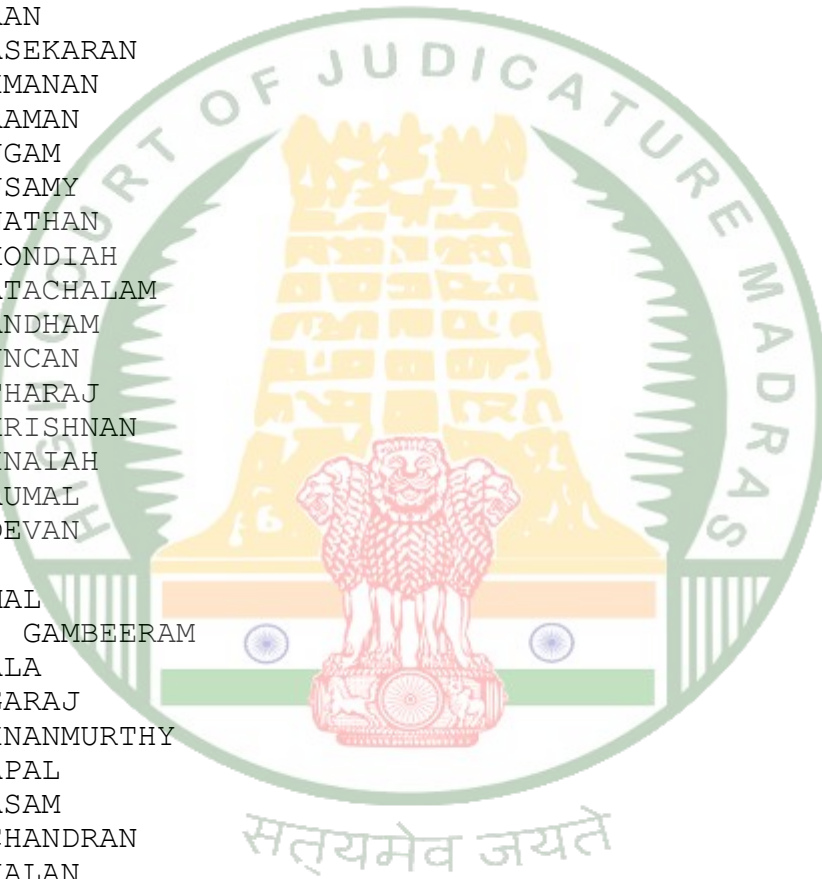
64 P.SUNDARAMOORTHY
65 C.N.SANDANA KRISHNAN
66 N.R.RAJARAM
67 D.ANBAZHAGAN
68 M.GANESAN
69 S.SAVITHRI
70 A.MANI (
71 V.A.ANNAMALAI
72 C.ELLAPPAN
73 N.SUBRAMANI
74 N.SEKAR
75 K.S.KULASEKARAN
76 A.MEGANATHAN
77 C.THILAGAVATHI
78 K.R.SATHYABAMA
79 N.BABU
80 P.KUMAR
81 K.KUPPUSWAMY
82 N.GOPALAKRISHNAN
83 H.SIMPSON
84 J.ANTHONY
85 K.SANTHAKUMARI
86 G.P.MURUGAIYAN
87 S.RAMACHANDRAN

1 A. PARANTHAMAN PETITIONER in WP No.30820 of 2015
2 K. ARUMUGAM
3 V. GUNASEKARAN
4 S. SARAVANAN
5 A. ANBURAJ
6 M. SEKARAN
7 G. THIRUVENGADAM
8 S.M. KUPPAN
9 N. DURAISAMY
10 P. HARIKRISHNAN
11 R. MUNUSAMY
12 U. NARAYANAKUTTY
13 D. KASILINGAM
14 K.V. SAMIDOSS
15 V. SIVASHANMUGAM
16 B. PUGAZHENDHI
17 M. GOVINDARAJULU
18 C. BALASUBRAMANIAN
19 G. MANI
20 B. KUPPUSAMY RAJU
21 C. RAJENDRAN
22 R. NATARAJAN
23 M. LAKSHMAIAH
24 A. RAMAMURTHY



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25 T.S. DURAI
26 S. DORAIRAJ
27 D. PUSHPALINGAM
28 M. PORURAN
29 B. CHITTIBABU
30 G. PURUSHOTHAMAN
31 G. VENUGOPAL
32 K. SAMPATH
33 R. GOPAL
34 K. RAJENDRAN
35 M. ETHIRAJ
36 N. MAHALINGAM
37 K. KUMARAN
38 M. DHANASEKARAN
39 M. LAKSHMANAN
40 C. JAYARAMAN
41 M. ARUMUGAM
42 P. MUTHUSAMY
43 M. LOGANATHAN
44 K. MALAKONDIAH
45 T. VENKATACHALAM
46 G. UGANANDHAM
47 RUBAN DUNCAN
48 M. AMIRTHARAJ
49 V. RAMAKRISHNAN
50 G. KRISHNAIAH
51 K.A. PERUMAL
52 N. VASUDEVAN
53 R. MANI
54 S. PERUMAL
55 D. LUCAS GAMBEERAM
56 S. NIRMALA
57 J. THANGARAJ
58 R. KRISHNANMURTHY
59 R. DHANAPAL
60 D. PRAKASAM
61 N. RAMACHANDRAN
62 K.R. DAYALAN
63 S. DHAKSHINAMOORTHY
64 N. SELVAKUMAR
65 M.P. JOTHYVEL
66 P. VASANTHA
67 S. RAJENDRAN
68 K. RADHAKRISHNAN
69 K.P. MANIVANNAN
70 N. KARIMULLA DOSS
71 VEERABAI
72 S. JOHN PAUL (TOKEN NO.156)



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73 C. GUNASEKARAN
74 K. PARTHASARATHY
75 P. CHAKKRAVARTHI
76 M. DAMODARAN
77 K. PANDIAN
78 D. SATHIYAMOORTHY
79 R. RAMAMOORTHY
80 R. LAKSHMIPATHY
81 C. RAMASWAMY
82 R. DILLI
83 V.M. VENGAI AH
84 M. JAYAKUMAR
85 A. NARASIMMA RAO
86 D. SIVASANKAR
87 V. VADIVELU

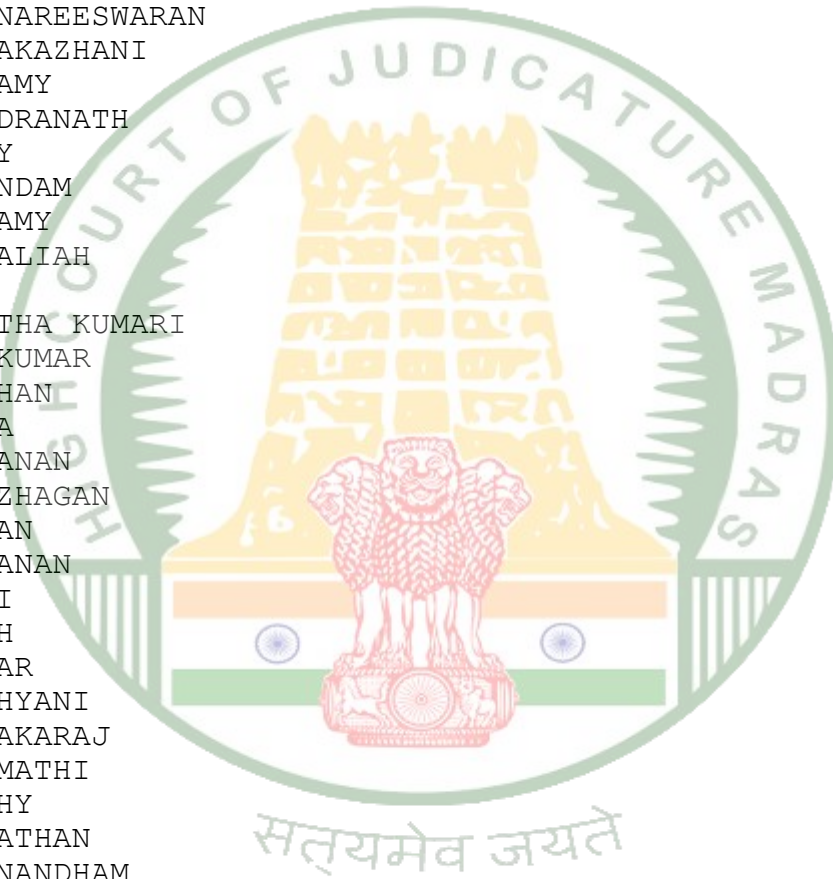
1 V. PARANTHAMAN ... PETITIONERS in WP No.30821 of 2015

2 D. THYAGARAJAN
3 N. SIVAPRAKASAM
4 S. GANESA BABU
5 V. BALASUNDARAM
6 J. SAMSON
7 C. MADURAI MUTHU
8 M. JONES RETNAM
9 C. MOORTHY
10 A. M. RADHAKRISHNAN
11 V. RAMANI
12 S. MOHANA
13 V. PRABHU
14 V. DEVI

11 to 14 legal heirs of M. Vadivel (Died)

15 C. PANDIAN
16 K. DORAIKANNU
17 B. N. SRI RAMULU
18 D. SUDARSANAM
19 P. ISAKKIYAPPAN
20 V. GOVINDA RAJU
21 G. VENKATESAN
22 T. K. MANICKAM
23 MD. MUSTAFA
24 P. JANAGI RAMAN
25 M. SIVANANDHAM
26 M. KARUNANITHI
27 K. S. BHAKTHAVATCHALAM
28 D. SRINIVASAN
29 V. GOPALAKRISHNAN
30 D. JANARDHANAM
31 K. NARAYANAN
32 C. MADHAVAN

33 V.VENUGOPAL
34 N.INBASEKARAN
35 I.ANTHONY @ SAMUVEL
36 T.VARADHAN
37 B.SAMPATH
38 K.DHANASEKARAN
39 S.NALINI
40 S.BHAVANI
41 S.LAKSHMI
42 E.RAVINDRAN
43 T.VISWANATHAN
44 SUBRAMANI
45 R.ARTHANAREESWARAN
46 P.CHENGAKAZHANI
47 AROKIASAMY
48 N.RAVINDRANATH
49 V.MURTHY
50 G.SAMBANDAM
51 K.MUNUSAMY
52 A.CHENGALIAH
53 S.MANI
54 R.VASANTHA KUMARI
55 D.PREM KUMAR
56 P.GANESHAN
57 `S.GANGA
58 J.SARAVANAN
59 K.ELAVAZHAGAN
60 D.RAMANAN
61 A.NARAYANAN
62 KASTHURI
63 F.JOSEPH
64 J.SRIDHAR
65 K.DHAKSHYANI
66 G.N.KANAKARAJ
67 S.INDHUMATHI
68 K.MOORTHY
69 K.LOGANATHAN
70 A.JEEVANANDHAM
71 J.VICTOR CHARLES
72 P.SOORIYA MOORTHY
73 M.GOVINDARAJ
74 P.SUSEELA
75 S.DEVASITHAM
76 V.PONNUVEL
77 D.RAMANI NATHAN
78 M.SAROJA
79 G.VENKATAPATHY
80 M.BABY
81 B.PANNEERSELVAM
82 K.SEKAR



WEB COPY

83 S.JOTHIAMMAL
84 J.GEORGE FRANCIS
85 C.CHELLADORAI
86 M.MANOCHARAN
87 N.MURUGAN
88 N.MARIAPPAN
89 A.JOSEPH
90 B.SUBRAMANI
91 P.K.SUBRAMANI
92 B.MOORTHY
93 P.ARUMUGAM
94 P.RENGANATHAN

1 S.VIJAYAN ... PETITIONER in WP No.30822 of 2015

2 M.KUMAR
3 M.PREM SINGH
4 N.RAMA MOORTHY
5 M.MALAKONDAYAH
6 M.VENKATESAN
7 A.SUNDAR
8 M.S.KUPPUSAMY
9 A. ANTHONY
10 S.SELVARAJ
11 P.NIZAR AHAMAD
12 K.BALASUNDARAM
13 C.SHANMUGAM
14 D.JAYASEELAN
15 P.ETTIAPPAN
16 D.DHARMALINGAM
17 K.LAKSHMANAN
18 M.SHANMUGARAJ
19 W.PETER
20 R.RANGAN
21 B.NATARAJAN
22 E.NARASAPPAN
23 S.GOPINATH
24 T.SELVARAJ
25 M.S.MANI
26 A.DURAISAMY
27 V.JANAKIRAMAN
28 S.GOVINDAMMAL
29 S.LAKSHMI
30 S.DEVIKA
31 S.JOTHI
32 V.SAROJA

28 TO 32 ARE LEGAL HEIRS OF V.SIVAGNANAM (DIED)

33 G.VELMURUGAN
34 C.MURTHY



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35 B.RUKNANGADHAN
36 S.DHAKSHINAMOORTHY
37 S.SATHYANARAYANA RAO
38 M.DHANASINGH
39 C.PARTHASARATHY
40 C.PARAMASIVAM
41 S.SUBRAMANI
42 V.GUNASEKARAN
43 M.MALAKONDIAH
44 B.DHANALAKSHMI
45 P.MARUTHAMBAL
46 M.JAMBULINGAM
47 R.GANESAN
48 M.SATHIYAMOORTHY
49 K.ARUMUGAM
50 M.PANKAJAM
51 V.VENUGOPAL ADHITYA
52 M.MURALIKRISHNAN
53 M.KAMALAKKANNAN

50 TO 53 ARE LEGAL HEIRS OF K.MANNAR (DIED)

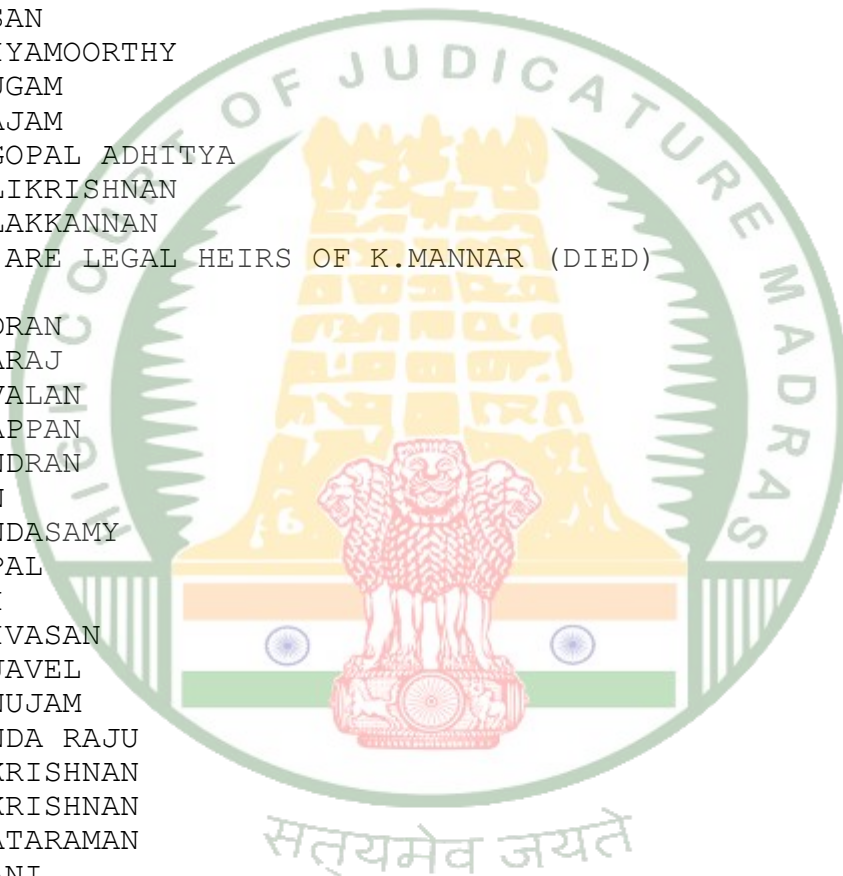
54 C.CHANDRAN
55 K.SELVARAJ
56 N.MANAVALAN
57 G.VENGAPPAN
58 J.GAJENDRAN
59 S.MOHAN
60 E.GOVINDASAMY
61 R.DANAPAL
62 P.MANI
63 K.SRINIVASAN
64 A.N.RAJAVEL
65 R.RAMANUJAM
66 R.GOVINDA RAJU
67 C.HARIKRISHNAN
68 P.RAMAKRISHNAN
69 D.VENKATARAMAN
70 V.BHAVANI

71 D.PADMANABHAN
72 S.MANOCHARAN
73 K.KESAVAN

74 P.APPA RAO
75 G.ALAMELU
76 GOTTI PATTI VENKATAMMA
77 DASARI RADHIKA
78 NAKKA USHA

76 TO 78 ARE LEGAL HEIRS OF CHINN KOTTAIAH (DIED)

79 R.BENJAMIN RUDRAPATHI
80 S.ANANTHAKRISHNAN



WEB COPY

81 A.GANESAN
82 V.RADHAKRISHNAN
83 K.JOTHI
84 P.MUNIRATHINAM
85 B.THULASI
86 L.RAJALAKSHMI

85 AND 86 ARE LEGAL HEIRS OF S.BHOOPATHY (DIED)

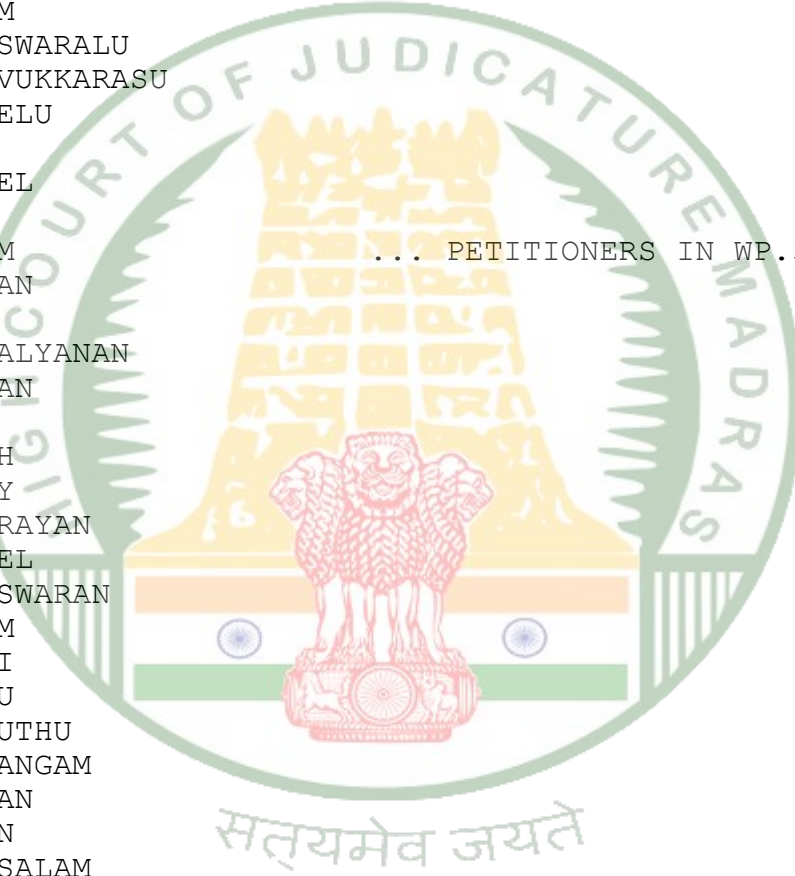
87 S.LAKSHMANAN
88 P.S.MANI
89 K.BALASUBRAMANIAM
90 V.ARUMUGAM
91 D.VENKATESWARALU
92 V.THIRUNAVUKKARASU
93 T.PALANIVELU
94 K.SEKAR
95 V.KUMARAVEL

1 K.SHANMUGAM PETITIONERS IN WP.30823/2015

2 D.JAYAVEERAN
3 A.MURTHY
4 K.NITHIYAKALYANAN
5 V.SELVARAJAN
6 V.LAZAR
7 T.VARADAI AH
8 T.AYYACHAMY
9 S.SANJEEVIRAYAN
10 M.KUMARAVEL
11 R.AGATHEESWARAN
12 C.ARUMUGAM
13 L.KASTHURI
14 A.ARULANDU
15 A.SAVARIMUTHU
16 M.VIJAYARANGAM
17 K.GAJENDRAN
18 S.SANKARAN
19 S. ABDUL SALAM
20 S.SUNDARAM
21 M.RAYAPPAN
22 E.VELAYUTHAM
23 KATHERIN
24 JEENA

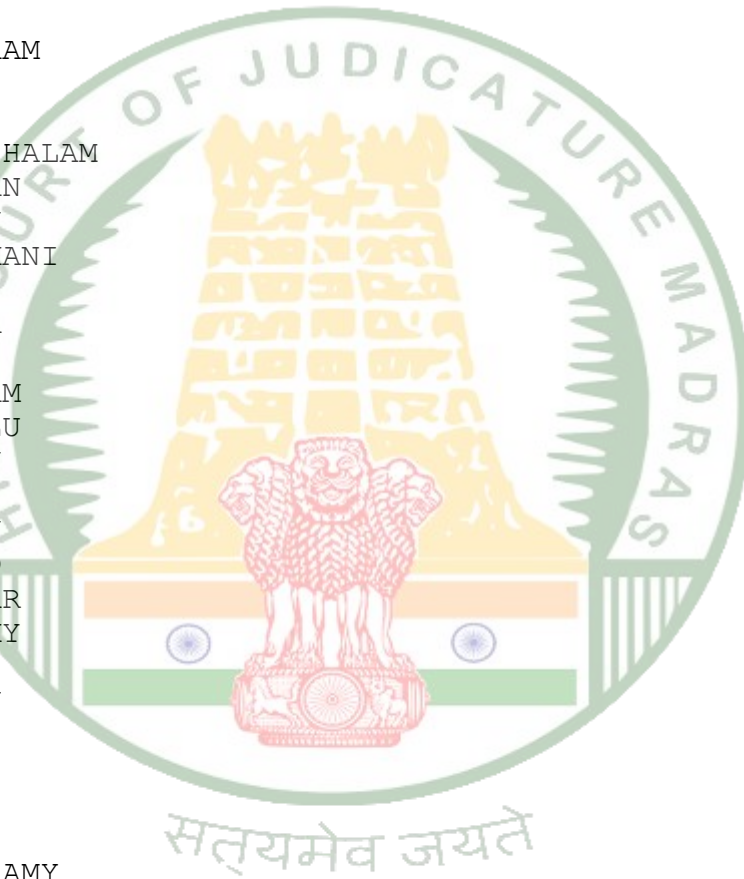
23 AND 24 LEGAL HEIRS OF M.D.GEORGE (DIED)

25 K.SAMBANDAM
26 K.DHARMALINGAM
27 A.ELUMALAI
28 A.M.NANDAGOPAL
29 D.LOGANATHAN



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30 R.KOTHANDA RAMAN
31 N.SRINIVASAN
32 P.S. PRABHAKARAN
33 P.PUSHPA
34 R.PANCHATCHARAM
35 K.CHANDRAIAH
36 T.MEENATCHI
37 S.RAJESWARI
38 B.KUPPUSWAMY
39 S.RAMANIBAI
40 D.MALAKONDIAH
41 K.VASUDEVAN
42 J.GANTHAMANI
43 G.SOMASUNDARAM
44 S.KUMARI
45 V.KANNAN
46 G.BAKTHAVATCHALAM
47 V.RANGANATHAN
48 K.SUNDARESAN
49 J.DEIVASIGAMANI
50 M.SUNDAR
51 KADHAR BASHA
52 NIRMALA
53 D.PARAMASIVAM
54 S.VENKATESALU
55 S.VENKATESAN
56 G.SANKAR
57 G.LAKSHMANAN
58 C.ANANDA RAO
59 V.VIJAYAKUMAR
60 P.G.MUNUSWAMY
61 S.RAJENDRAN
62 S.JAGADEESAN
63 K.THANGARAJ
64 M.VIJAYAN
65 N.MOHAN
66 N.SADASIVAM
67 B.THAYUMANASAMY
68 S.N.JAYARAMAN
69 D.SURIYADASS
70 EBINEZER DEVASITHAN
71 V.RAMASWAMI
72 V.RAJASEKARAN
73 K.JOSEPH
74 S.SWAMINATHAN
75 A.JAYAPPAUL
76 C.P.VENKATA REDDY
77 A.JOSEPH CELLADURAI
78 M.R.SUBRAMANIAM
79 P.S.PERUMAL

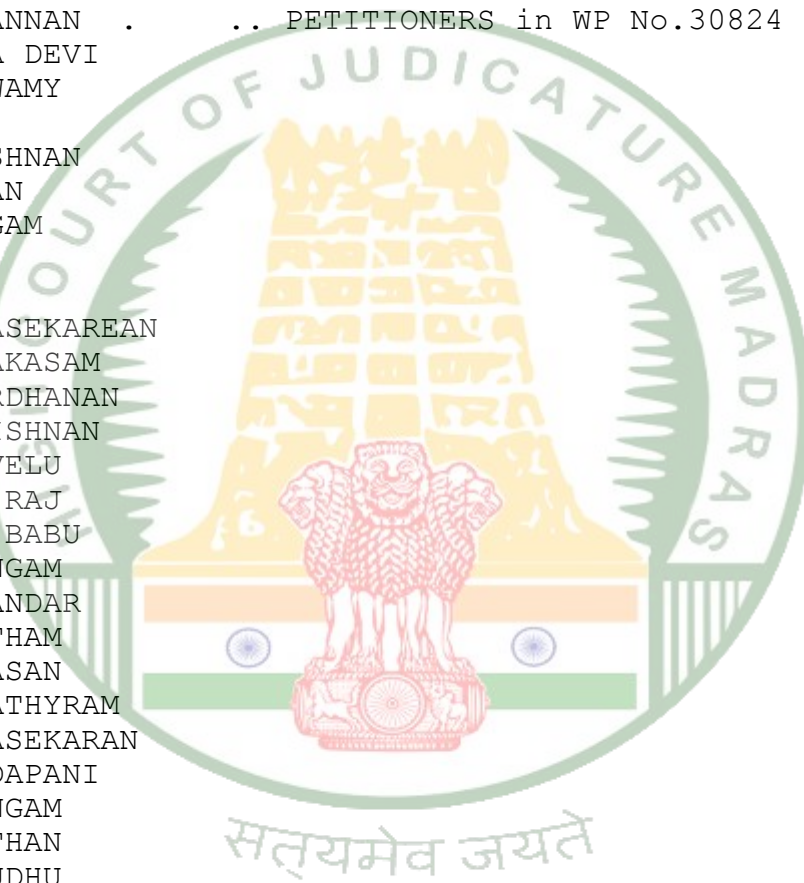


WEB COPY

80 A.NAGAPPAN
81 M.SIVALINGAM
82 P.SETHU
83 S.SATHIYAMURTHY
84 D.THYAGARAJAN
85 V.ELANGO VAN
86 B.BABU
87 S.PANDURANGAN
88 RAVANAMMA
89 V.RAMALINGAM
90 D.PANNEERSELVAM

1 D.KAMALAKANNAN . . . PETITIONERS in WP No.30824 of 2015

2 T.VASANTHA DEVI
3 S.CHINNASWAMY
4 G.BABU
5 P.BALAKRISHNAN
6 M.NATARAJAN
7 S.MAHALINGAM
8 N.SEKAR
9 N.SIVARAJ
10 K.CHANDRASEKAREAN
11 E.SIVAPRAKASAM
12 K.K.JANARDHANAN
13 R.BALAKRISHNAN
14 L.PALANIVELU
15 A.SUNDAR RAJ
16 S.CHITTI BABU
17 V.RAMALINGAM
18 A.BALACHANDAR
19 S.VELAYUTHAM
20 V.SRINIVASAN
21 P.S.BOOPATHYRAM
22 N.CHANDRASEKARAN
23 G.KOTHANDAPANI
24 V.RAMALINGAM
25 V.LOGANATHAN
26 S.ARAVAMUDHU
27 S.RUBALINGAM
28 M.SAMPATH
29 G.GAJENDRAN
30 N.KRISHNAN
31 A.FATHIMA JEYASELI
32 M.MD.GHOUSE
33 M.RAMADOSS
34 C.DILLI RAJENDRAN
35 S.HAMSAVALLI
36 S.LAKSHMI .
37 S.HEMALATHA .
35 TO 38 ARE LEGAL HEIRS OF K.SRINIVASAN (DIED)

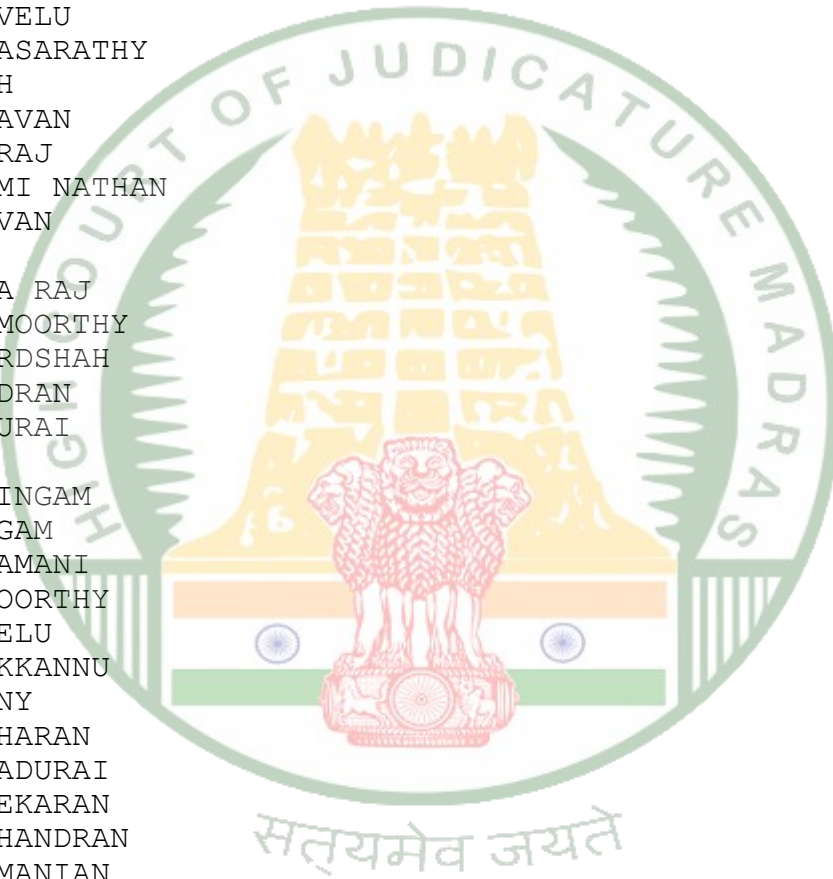


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38 S.SARITHA
39 K.VEERARAGHAVALU
40 K.CHANDRASEKARAN
41 S.RAJAGOPAL
42 V.G.ANTONY
43 M.V.RAMIAH
44 S.AMBALAVANAN
45 A.AZIZ SULTAN
46 D.SRINIVASAN
47 P.ARUMUGAM
48 E.STEPHEN GEORGE
49 S.VIJAYA BASKARAN
50 K.KADIRVELU
51 K.PARTHASARATHY
52 V.RAJIAH
53 N.R.KESAVAN
54 K.MOHANRAJ
55 N.LAKSHMI NATHAN
56 R.MADHAVAN
57 N.BABU
58 G.AROKIA RAJ
59 V.THIRUMOORTHY
60 R.BERNARD SHAH
61 G.RAJENDRAN
62 G.APPADURAI
63 T.BALU
64 M.RAMALINGAM
65 R.ARUMUGAM
66 D.DESIGAMANI
67 K.RAMAMOORTHY
68 K.VADIVELU
69 N.DORAICKANNU
70 V.ANTHONY
71 V.DAMODHARAN
72 K.CHINNADURAI
73 K.GUNASEKARAN
74 V.RAMACHANDRAN
75 C.SUBRAMANIAN
76 M.THANDAPANI
77 V.SELVARAJAN
78 R.KUBERAN
79 M.SESHIAH
80 VIOLET .
81 JOSEPH DANIEL

80 AND 81 ARE LEGAL HEIRS OF A.SPAULDING (DIED)

82 A.RUBALINGAM
83 A.MANOCHARAN
84 A.RAMACHANDRAN
85 D.VIJAYAKUMAR



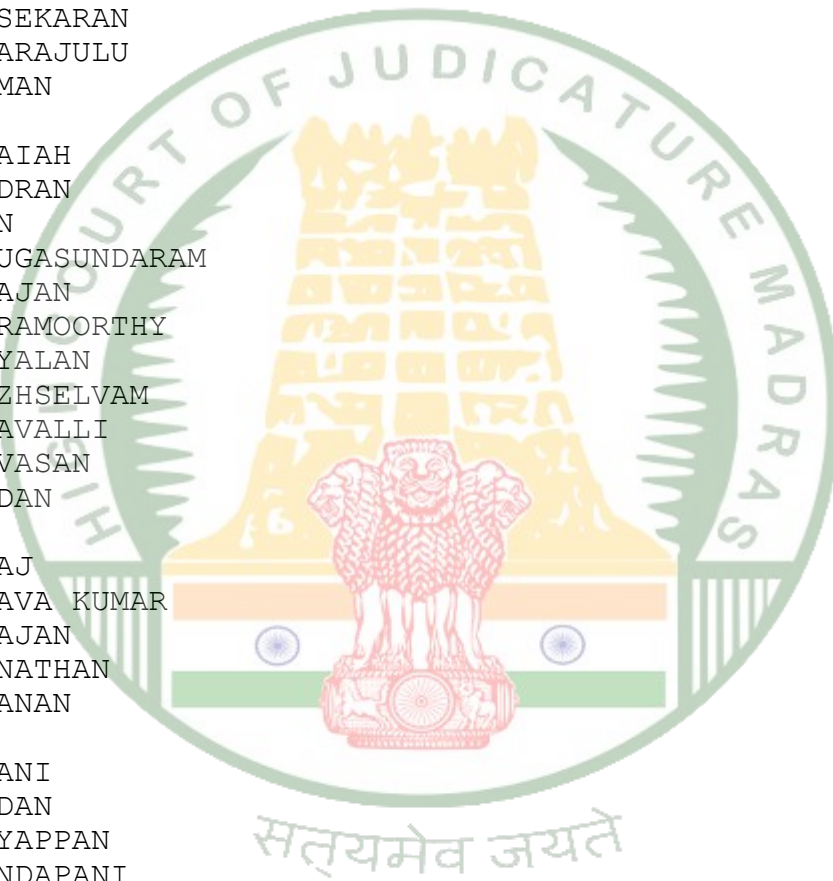
WEB COPY

86 T.JAYA RAMAN
87 R.PANDURANGAN
88 S.DEVENDRAMANI
89 N.GANAPATHI

1 S.MANOCHARAN (TOKEN NO.319)

... PETITIONERS in WP No.30825 of 2015

2 P.DEVARAJ
3 D.DAVID
4 K.DEENAN
5 M.RAJU
6 P.SOMULAL
7 P.S.RAJASEKARAN
8 K.GOVINDARAJULU
9 S.RAJARAMAN
10 ELLAMMA
11 K.RAMANAI AH
12 S.RAJENDRAN
13 G.KANNAN
14 R.SHANMUGASUNDARAM
15 B.NATARAJAN
16 T.SUNDARAMOORTHY
17 DEENADAYALAN
18 V.THAMIZHSELVAM
19 M.KANAKAVALLI
20 A.SRINIVASAN
21 P.GOVINDAN
22 G.VENU
23 P.JAYARAJ
24 A.R.KESAVA KUMAR
25 C.NATARAJAN
26 N.VISWANATHAN
27 G.S.RAMANAN
28 R.MOHAN
29 D.SIGAMANI
30 M.MUGUNDAN
31 N.ERALIYAPPAN
32 D.KOTHANDAPANI
33 L.RAMACHANDRAN
34 D.ANBU ROSE
35 D.DAVID
36 J.UDHAYAKUMAR
37 A.B. PONNIAH
38 E.THANDAVAN
39 N.MUTHUKUMARAN
40 G.PANDURANGAN
41 K.SATHIYA RAO.
42 S.GUNASEKARAN
43 M.DAYALAN
44 G.VASANTHI



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45 C.SRI RAMULU
46 V.DAYALAN
47 K.MOHAN
48 P.GANESAN
49 P.JOSEPH
50 V.S.MANIVANNAN
51 P.CHINNARAJU
52 SULAIMAN BASHA
53 C.B. MOHAN
54 C.K.RAMACHANDRAN
55 D.RAJENDRAN
56 K.KRISHNAMOORTHY
57 N.RAVINDRANATH
58 P.SUBBIAH
59 V.ASHOK
60 R.SARASWATHI
61 C.NARASIMHAN
62 A.ABDUL JALEEL
63 C.ANANDAN
64 M.RAMACHANDRAN
65 N.RENUKA
66 N.ETHIRAJ

65 TO 67 ARE LEGAL HEIRS OF N.VENKATESAN (DIED)

67 N.DEENADAYALAN
68 K.KAMALANATHAN
69 K.KRISHNA RAO
70 K.KASTHURI
71 D.MAHENDRAN
72 S.NIRMALA
73 S.GUNASELVI
74 S.GOPINATH
75 S.KOTTEESWARAN
76 S.MOHAN RAJ

72 TO 76 ARE LEGAL HEIRS OF K.SRINIVASAN (DIED)

77 K. GANGADARAN
78 K. RAJASEKARAN
79 K. SYED GHOUSE
80 S. PONNURANGAN
81 S. GEORGE
82 G. SACRATIS
83 M. MALLIKA
84 R. GIRIJA
85 M. JAGAN
86 M. VIJAYENDRAN
87 M. GOPI

83 TO 87 ARE LEGAL
HEIR OF R. MADURAI MUTHU (DIED)

88 K. JAYAPPAUL
89 R. VARADAN
90 K.MUNUSAMY
91 K.GNANESEKARAN
92 A.KONDAYYA
93 NYAMATHULLAH
94 K.GURUSAMY
95 V.RAJARAM
96 M.KUPPUSAMY
97 R.CHANDRASEDKARAN
98 R.PADMANABHAN
99 M.MOHANAN

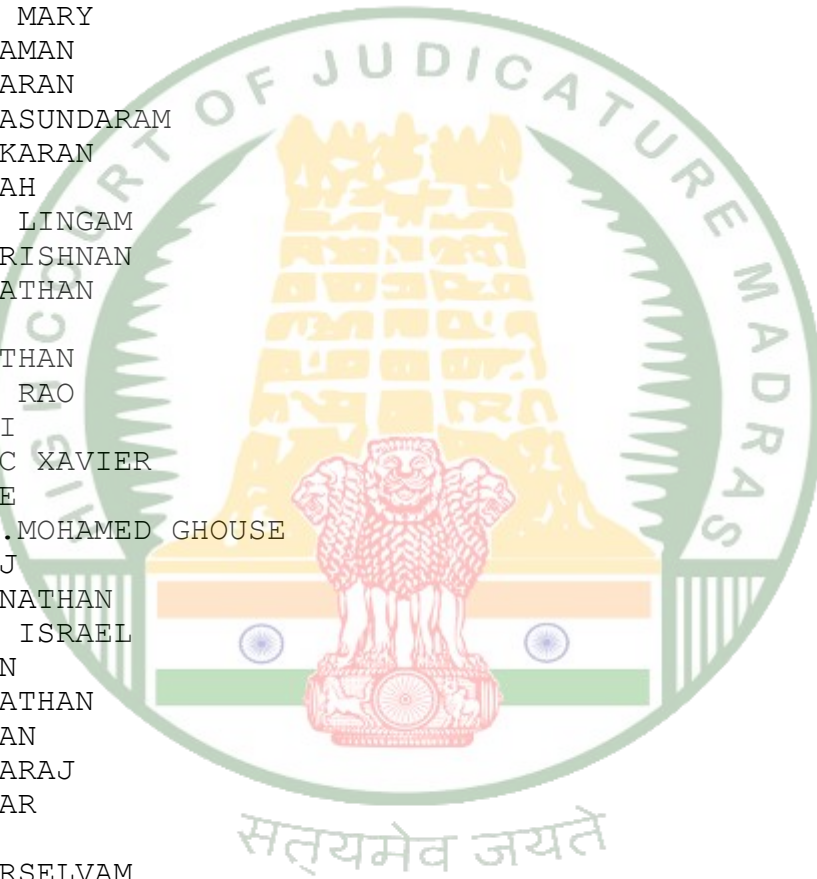
1 A.NITHIANANTHAM TOKEN NO.626

... PETITIONERS in WP No.30826 of 2015

2 E.MOHAN
3 MOHAMED AZAM
4 V.K.KOTHANDARAMAN
5 L.JAGANNATHAN
6 N.JAYACHANDRAN
7 K.MOHAN
8 N.SUSEELA
9 J.MOHIDEEN KHAN
10 D.MOHANRAJ
11 D.ARUMUGAM
12 G.SARANGAPANI
13 S.RAJENDRAN
14 S.PADMA
15 S.GOMATHY
16 S.PRAKASH 14 TO 16 ARE LEG
AL HEIRS OF S.SIVAKUMAR (DIED)

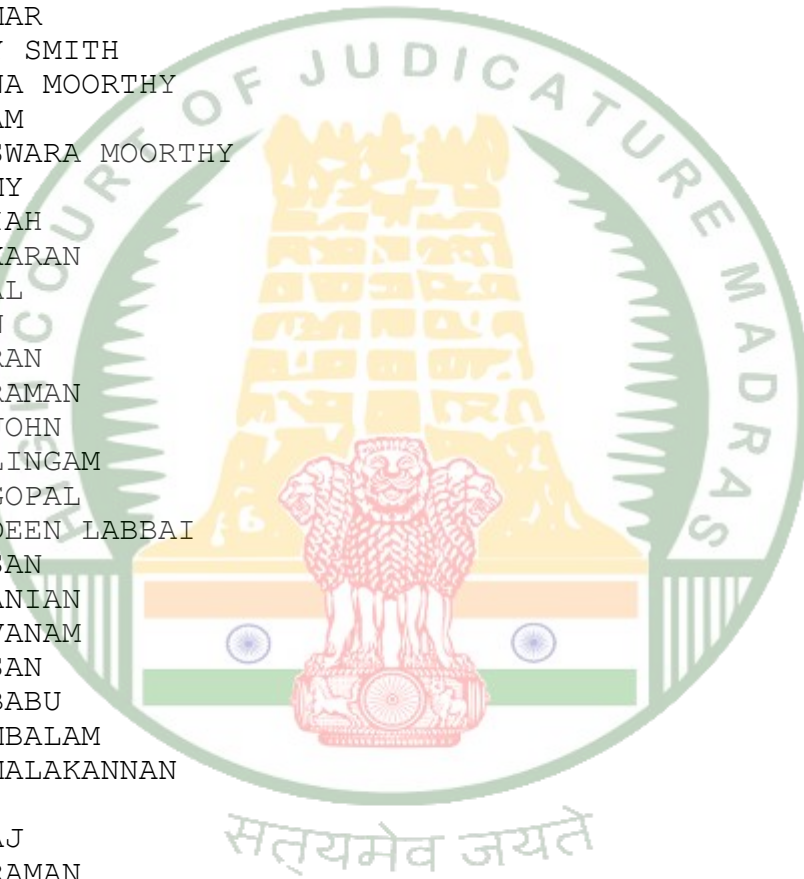
17 B.JAGANNATHAN
18 K.KRISHNAMOORTHY
19 V.UMA SANKARAN
20 A.MOHAMED ALI
21 J.MANOHRAN
22 V.BASKARAN
23 S.RAVI TOKEN NO.1017
24 M.VIMALA KUMARI
25 SALEENA
26 L.MOHAN
27 H.PALANI
28 S.VEEERARAGHAVAN
29 J.JEEVARATHINAM
30 K.RUKMANGATHAN
31 P.S.LAKSHMIKANTHAM
32 U.KOTHANDRAMAN

33 I.GOPINATHAN
34 V.PARIVALLAL
35 D.GOPALAKRISHNAN
36 M.MEYIAZHAGAN
37 K.GUNSEELAN
38 D.VENKATESAN
39 B.YESUDOSS
40 S.NAGU REDDY
41 ABDUL SAMAD
42 C.G.GUNASEKARAN
43 M.SIVARAJ
44 H.UDHAYA KUMAR
45 A.LOURDU MARY
46 M.JAYARAMAN
47 M.SUDHAKARAN
48 K.KALYANASUNDARAM
49 J.KARUNAKARAN
50 B.SINGAIAH
51 N.PUNNIA LINGAM
52 A.RADHAKRISHNAN
53 N.JAGANNATHAN
54 G.MANI
55 J.DASARATHAN
56 M.PRASAD RAO
57 U.MALATHI
58 A.DOMINIC XAVIER
59 MIMUN BEE
W/O.LATE.A.MOHAMED GHOUSE
60 P.ETHIRAJ
61 P.KAMALANATHAN
62 T.SAMSON ISRAEL
63 S.VARADAN
64 A.VISWANATHAN
65 D.LAKSHMAN
66 K.ANANTHARAJ
67 I.EBINESAR
68 RUKMANI
69 R.PANNEERSELVAM
70 R.LAKSHMIPATHY
71 T.MARIMUTHU
72 R.SEKAR
73 K.SANTHANAM
74 S.KUMAR
75 C.DEVASENATHIPATHI
76 ABDUL WAJID
77 B.GAFOOR
78 J.VINAYAGAPANI
79 K.PADMANABAN
80 S.GILBERT



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1 M.SATHIYANARAYANAN ... PETITIONERS in WP No.30827 of 2015
2 R.VIJAYAKUMAR
3 P.IMMANVEL ELENCHERALATHAN
4 S.GOPALAKRISHNAN
5 K.GANGADHARAN
6 B.KUPPUSWAMY
7 P.GANESAN
8 P.GOVINDAN
9 V.THANGAM
10 D.KALYANASUNDARAM
11 A.CRIMSON
12 K.MURUGAN
13 I.NESAKUMAR
14 W.ANTHONY SMITH
15 S.MEIGNANA MOORTHY
16 N.KAILASAM
17 A.PARAMESWARA MOORTHY
18 D.GURUSAMY
19 O.PITCHAIAH
20 N.KARUNAKARAN
21 D.DHANAPAL
22 M.D.MOHAN
23 R.RAJENDRAN
24 G.JANAKIRAMAN
25 D.EDWIN JOHN
26 D.DHARMALINGAM
27 K.A.VENUGOPAL
28 A.B.MOHIDEEN LABBAI
29 M.MURUGESAN
30 G.SUBRAMANIAN
31 G.POONGAVANAM
32 S.MURUGESAN
33 D.CHITTIBABU
34 A.CHITRAMBALAM
35 A.S.K.KAMALAKANNAN
36 M.MOHAN
37 C.SELVARAJ
38 G.JOTHY RAMAN
39 P.V.KUMARAN
40 KALAVATHY
41 R.MALLIGA
42 J.MAGIMAI DOSS
43 K.PRITHIVI RAJ
44 C.SUBRAMANIAN
45 S.MANIVANNAN
46 K.ANBU
47 S.SUGUMARAN
48 K.BABU
49 R.RAJENDRAN

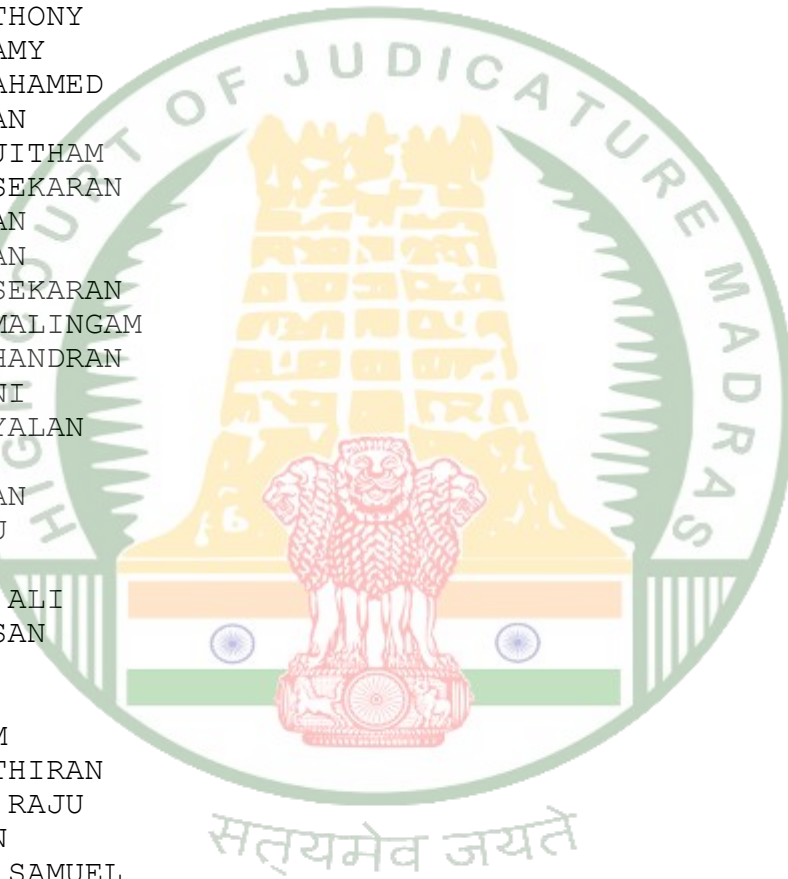


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50 SAKUNTHALA
51 A.S.LAWRENCE JOSEPH
52 SARAL NAVARAJ
53 A.S.ARON ROBERT
54 A.S.SHEILA KUMARI
55 A.S.MERCURY CHARLES

50 TO 55 ARE LEGAL HEIRS OF A.SOLOMON (DIED)

56 R.THOMAS NIRMAL MANOHAR
57 EDWARD EZHAKIAL
58 C.BOOPATHY
59 JOSEPH ANTHONY
60 PAKKIRISWAMY
61 R.GHOUSE AHAMED
62 K.SIVARAMAN
63 M.MANORANJITHAM
64 T.S.DHANASEKARAN
65 A.JAYARAMAN
66 R.VASUDEVAN
67 K.CHANDRASEKARAN
68 K.MUTHURAMALINGAM
69 P.R.GUNACHANDRAN
70 S.TAMILMANI
71 A.DEENADAYALAN
72 SIVAGAMI
73 K.P.RAMANAN
74 V.MUNIVELU
75 P.SIVARAJ
76 Y.MUSHTAQ ALI
77 M.SRINIVASAN
78 M.DOSS
79 B.ANANDAN
80 VEDACHALAM
81 M.VEERAPATHIRAN
82 K.SOUNDER RAJU
83 C.THANIKAN
84 S.SOLOMON SAMUEL
85 R.MANO HAR
86 MRS.DHANAMMA
87 D.BOOPATHY
88 L.NATARAJAN
89 C.GANESAN
90 MRS.KOUSALYA
91 K.VIJAYAKUMAR

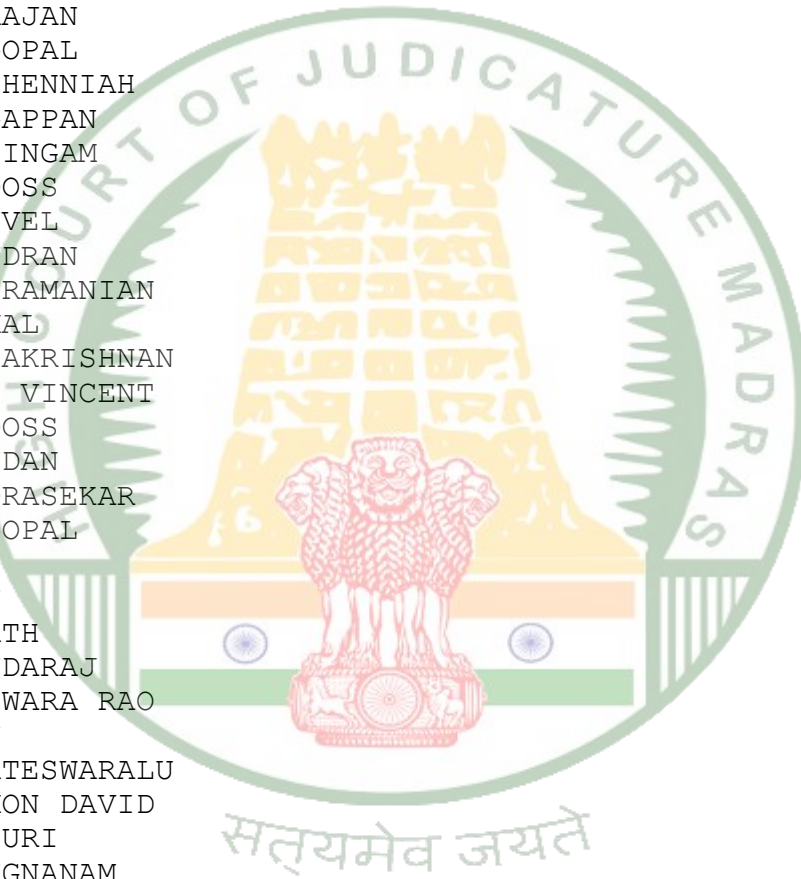


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1 A.RAMESH BABU ... PETITIONERS IN WP.NO. 30828 OF 2015
2 D.SRINIVASAN
3 K.KANNIAPPAN
4 V.SHANTHA

5 V.LALITHA
6 V.SANDHIYA
7 V.SURESH
4 TO 7 ARE LEGAL HEIRS OF A.VENUGOPAL (DIED)

8 P.PADMANABAN
9 E.SANTHAKUMAR
10 N.KUPPUSAMY
11 S.VENKATESWARA RAO
12 G.VASUDEVAN
13 S.SHANMUGAM
14 S.KANNAYAN
15 R.ETHIRAJAN
16 C.VENUGOPAL
17 D.BALACHENNIAH
18 K.AZHAGAPPAN
19 M.SIVALINGAM
20 A.DEVADOSS
21 S.PONNUVEL
22 S.RAJENDRAN
23 A.D.SUBRAMANIAN
24 C.PERUMAL
25 E.GOPALAKRISHNAN
26 FRANCIS VINCENT
27 M.RAMADOSS
28 V.GOVINDAN
29 K.CHANDRASEKAR
30 P.VENUGOPAL
31 K.DORAI
32 M.RAMAN
33 S.SAMPATH
34 S.GOVINDARAJ
35 B.NAGESWARA RAO
36 R.MOHAN
37 L.VENKATESWARALU
38 D.SOLOMON DAVID
39 S.KASTHURI
40 J.THIRUGNANAM
41 D.RAMBAR
42 A.ARULDOSS
43 G.KUPPA RAO
44 V.PANNEERSELVAM
45 R.DEVARAJAN
46 P.USHAN
47 I.ARUL THOMAS SOUNDARARAJAN
48 C.MALADRI
49 K.THURABUDEEN
50 K.BOPATHY
51 D.KALIDOSS
52 T.INDRAMOHAN

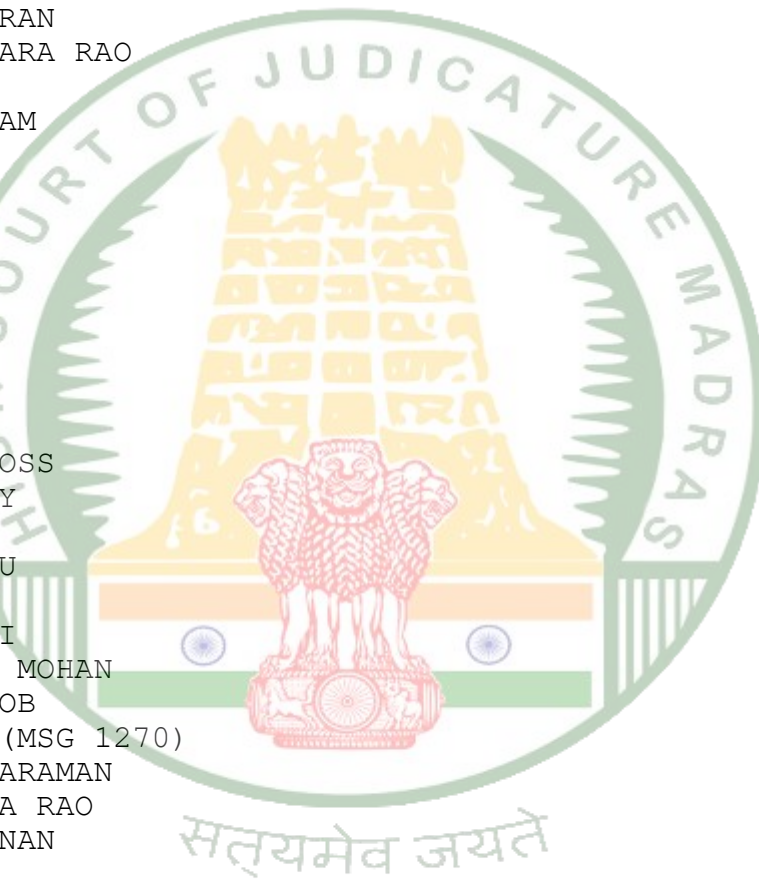


53 M.MOHAN
54 C.VEMBULI
55 T.BAKTHAVATCHALAM
56 A.DINESH KUMAR
57 M.K.VIJAYAN
58 N.G.GOWRINATHAN
59 J.RAGHU
60 S.THIRUGNANASAMBANDAM
61 K.SHANMUGASUNDARAM
62 G.SAMPATH KUMAR
63 R.MOHANRAM
64 K.VEERAMANI
65 K.SIVASANKARAN
66 A.GUNASEKARAN
67 K.CHOCKANATHAN
68 S.MAHALINGAM
69 S.SARAVANAN
70 D.VIJAYAKUMAR
71 D.JAYARAMAN
72 S.P.PADMANABHAN
73 A.K.RAJAMANNAR
74 P.SELVARANI
75 K.RANGANATHAN
76 N.KRISHNAMOORTHY

1 S.VADIVELU PETITIONER in WP No.30829 of 2015

2 V.RANGASAMY
3 PACHAIYAMMAL
4 N.SELVA PALANI
5 K.THANIGACHALAM
6 P.K.KUBERAN
7 K.SANGILI
8 E.G.KING
9 D.BALARAMAN
10 G.SIVAPRAKASAM
11 D.RAMA DOSS
12 M.SUDARSANAM
13 C.VENUGOPAL
14 S.VIJAYAKUMAR
15 V.THIRUNAVUKKARASU
16 K.GANGADHARAN
17 R.DEENADAYALAN
18 A.JAYAKUMAR
19 K.DAMODARAN
20 M.KUMAR
21 D.VINAYAGAM
22 R.KAMALAKKANNAN
23 K.VIJAYAKUMAR
24 N.SUNDARAMOORTHY

25 S.SUNDARARAJAN
26 MAHADOOM ALI
27 V.SELVARAJ
28 G.SUNDARAMOORTHY
29 R.THIRUGNANASAMBANDAMURTHY
30 V.EMAROSE
31 M.MANI
32 S.NANDEESWARAN
33 R.SRINIVASAN
34 S.PARTHASARATHY
35 S.SOMASUNDARAM
36 M.KRISHNA REDDY
37 R.GNANASEKARAN
38 C.H.KAMESHWARA RAO
39 T.ANNAMALAI
40 K.ADIYAPATHAM
41 K.DORAIRAJ
42 P.SEKARAN
43 A.RANGA RAO
44 R.R.SELVAN
45 N.BASKARAN
46 G.RAMU
47 M.VINAYAGAM
48 A.KRISHNAN
49 K.SELVARAJ
50 A.ANTHONY DOSS
51 A.AROKIASAMY
52 P.BHARATHI
53 K.VEDHAMUTHU
54 KANCHANA
55 KOTHANDAPANI
56 A.V.MADHANA MOHAN
57 SHAIK MEHBOOB
58 V.G.PALANI (MSG 1270)
59 P.S.KOTHANDARAMAN
60 P.KOTEESWARA RAO
61 M.BALAKRISHNAN
62 KONDAMMA
63 A.JAYAKUMAR
64 N.EDWIN JAYASEELAN
65 A.NARAYANAN
66 D.GAJENDRAN
67 S.ELANGOVAN
68 S.MOHANAKRISHNAN
69 K.MAHADEVAN
70 A.KANNABIRAN
71 R.PARTHASARATHY
72 N.GANESAN
73 V.MARKANDAN
74 S.MAHARAJAN

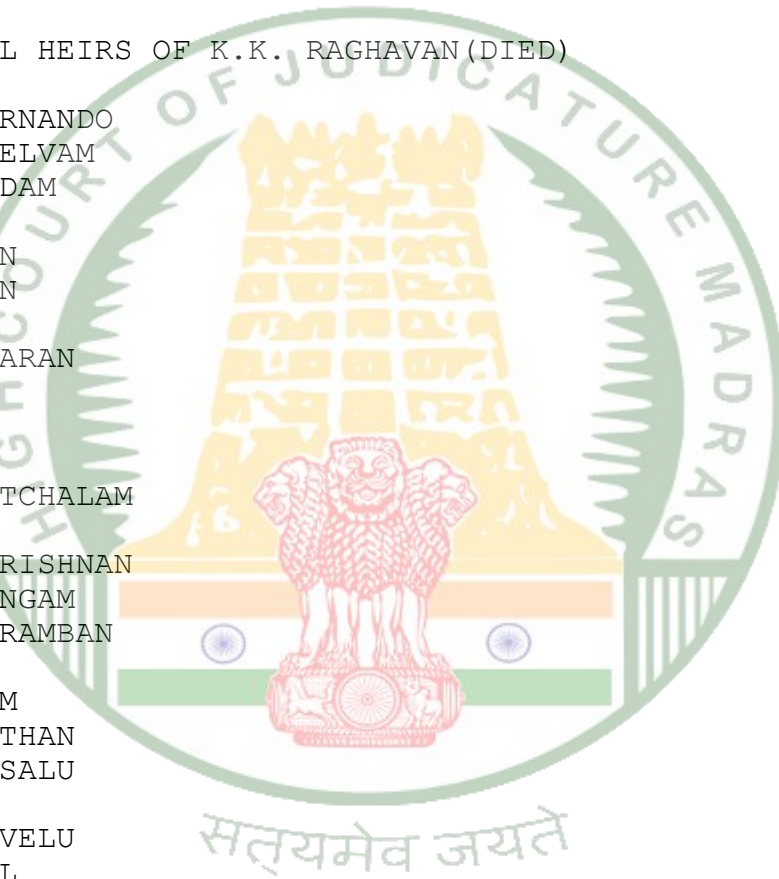


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75 S.SARGURU DOSS
76 V.RAGHU
77 S.DHANAKOTTI
78 K.RAJASEKARAN
79 R.RAVINDRAN
80 M.SUBRAMANI
81 G.RAMAMURTHY
82 R.GANESAN
83 K.R.SAROJINI
84 K.R.ANITHA
85 K.R.GIRIJA
86 K.R.SHYAM SUNDAR

83 TO 86 LEGAL HEIRS OF K.K. RAGHAVAN (DIED)

87 T.SABAS FERNANDO
88 V.PANNEERSELVAM
89 K.JEEVANANDAM
90 C.SEKARAN
91 N.MANOHRAN
92 S.RAJENDRAN
93 V.NAGAPPAN
94 P.K.SASIDHARAN
95 G.MUTHU
96 P.G.GOLDEN
97 K.RAJAN
98 V.BAKTHAVATCHALAM
99 C.PERUMAL
100 B.MOHANAKRISHNAN
101 D.PONNURANGAM
102 D.IMAYAVARAMBAN
103 C.KUMAR
104 M.ARUMUGAM
105 S.RANGANATHAN
106 Y.VENKATESALU
107 KONDAIAH
108 A.MANICKAVELU
109 CHELLAMMAL
110 P.MURTHY
111 P.CHANDRASEKARAN
112 G.VELAYUTAHM
113 S.ESWARAN
114 S.ISAQ ALEXANDER
115 S.SELVARAJ
116 R.RANI
117 R.SRINIVASAN
118 S.SRINIVASAN
119 R.DANIEL GNANAVOLI
120 CHRISTOPER
121 R.GOVARDHANAN



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122 T.C.KESAVALU
123 M.VELAYUTHAM
124 L.T.RATHINAVELU
125 K.ANANDAN
126 P.SIVALINGAM
127 V.NARAYANAN
128 L.PADMANABAN
129 B.KOTHANDAN

vs.

1. THE MANAGEMENT OF BINNY LTD.,
HAVING REGISTERED OFFICE AT
NO.106, ARMENIAN STREET,
CHENNAI-600001.
NOW SHIFTED TO
NO.1, COOKS ROAD,
PERAMBUR, CHENNAI-600 012.

2. THE PRESIDING OFFICER,
III ADDITIONAL LABOUR COURT,
CHENNAI-600 041. RESPONDENTS IN ALL WPs

COMMON PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records of the 2nd respondent herein in pursuant to common order dated 12.09.2014 in Computation Petition Nos.211 to 910 of 2009, 62/2010, 95 to 394/2010, 455 to 621 of 2010 and 1052 to 1143/2010 in so far as holding that the petitioners are not having jurisdiction to claim the relief as prayed for and the 2nd respondent Labour Court cannot decide the entitlement of the petitioners pre-existing right of entitlement which is disputed by the 1st respondent management by dismissing the entire computation petitions quash the same with respect to the petitioners herein and to direct the 1st respondent Management to pay the claim amount to the petitioners herein as prayed for.

For Petitioners : Mr.G.Purushothaman
in all W.Ps

For Respondents : Mr.Anand Gopalan
in all W.Ps for M/s.T.S.Gopalan & Co for R1.
R2-Labour Court

O R D E R

The common order dated 12.09.2014 passed by the second respondent in Computation Petition Nos.211 to 910 of 2009, 62/2010, 95 to 394/2010, 455 to 621 of 2010 and 1052 to 1143/2010 , are sought to be quashed in the present writ petition.

2. The second respondent/III Additional Labour Court found that the Labour Court cannot decide the entitlement of the workmen and then compute the benefit so adjudicated. It is only when the entitlement has been earlier adjudicated or recognized by the employer, and thereafter for the purpose of implementation thereof, and if some ambiguity requires interpretation, that power of interpretation can be decided as incidental to Labour Court's power under Section 33(C), like that of executing court's power to interpret the decree for the purpose of its execution. Accordingly, the Labour Court arrived at a conclusion that the workman can proceed under Section 33-C (2), only after the Tribunal has adjudicated the right under Section 10. Assigning reasons, the computation petitions filed by the writ petitioners under Section 33-C(2) were rejected.

3. Challenging the said rejection, the learned counsel for the writ petitioner vehemently contended that the pre-existing right of the workmen, was established before the second respondent/Labour Court. To substantiate their contention, the workmen opted for Voluntary Retirement Scheme and the settlement was also received by the workmen. It is not in dispute that the writ petitioner accepted the Voluntary Retirement Scheme benefits as agreed by the Management and the workmen and they have accepted the entire benefits. The dispute arose on account of the fact that the Management entered into a Memorandum of Understanding with reference to 244 workers, who were in occupation of the quarters allotted by the Management.

4. The learned counsel for the writ petitioners contended that once the benefit is extended to 244 workers, the said benefit cannot be confined and it is to be extended to all the workmen, who opted for VRS. The action of the Management is discriminatory and therefore, the right conferred in respect of 244 workers are to be conferred in respect of all other workmen, including the petitioners in the present writ petition.

5. The learned counsel for the writ petitioners reiterates that in respect of 244 workers, 500 sq.ft. land was allotted and in view of the land, that they had been claimed Rs.15,00,000/- and consequently, filed the Computation petition under Section 33(C)(2) of the Industrial Dispute Act. The contention of the writ petitioners is that the pre-existing right was established before the Labour Court with reference to the Memorandum of Understanding signed by the Management and the Union. Therefore, the benefit extended to the 244 workers in the Memorandum of Understanding, has to be extended to all other workmen including the writ petitioner. The Labour Court rejected the said contention by stating that such disputed facts regarding the rights of the workers cannot be adjudicated in a Computation Petition filed under Section 33(C)(2) of the

Industrial Disputes Act and therefore, there was no pre-existing right and consequently, rejected the computation petition.

6. The learned counsel appearing for the first respondent/Management made a submission that the first respondent/Management was referred to BIFR. On 15.06.1996, owing to floods, the operations of the petitioner's Mill at Perambur was suspended. The mill was run on a trial basis for three months. However, owing to various problems it was found that the trial was not successful and therefore, it was closed. On 28.03.1998, settlement was entered under Section 12(3) of the I.D.Act providing for a Voluntary Retirement Scheme (VRS). In May 1998, VRS was announced and more than 4000 workmen, including the respondents, applied under the Scheme and all the dues were settled in favour of the workmen, and they have received the settlement and relieved accordingly. On acceptance of the settlement, it is contended that the employer-employee relationship ceased to exist and therefore, the employee cannot claim any further right. Only if there are dues in connection with the services already rendered by the workmen, then alone, the same can be adjudicated with reference to any other new dispute or claim. The same cannot be adjudicated as the employer employee relationship ceased to exist, after the acceptance of the VRS benefits, as per the settlement entered into between the Management and the recognized union.

7. The learned counsel for the first respondent/management contended that on 28.05.2008, Memorandum of Understanding(MOU) was entered between the Unions, quarters Committee and the representatives of 244 employees, who were then occupying the company quarters, providing 500 sq.ft of land to those employees who were in occupation of Company quarters. The workmen who had worked during the trial period in 1997 would be paid wages for those three months as directed by the Industrial Tribunal. The first respondent had acted on the MOU and complied with all its obligations under the MOU.

8. The learned counsel for the first respondent mainly contended that the writ petitioners are not workmen within the meaning of Section 2(S) of the Industrial Disputes Act. Once the petitioners have opted the VRS and received the dues in its entirety, the employer-employee relationship ceased to exist and therefore, they cannot be construed as workmen within the definition of 2(S) of the Industrial Disputes Act.

9. It is further contended that there is a pre-existing right and the claim of the writ petitioner is based on the MOU dated 28.05.2008. The said MOU does not provide any benefit to the writ petitioner. Therefore, they had no pre-existing right to file a computation petition under Section 33-C(2) of the

Industrial Disputes Act.

10. It is reiterated that the labour Court cannot adjudicate the issues on merits under Section 33(C)(2) of the Industrial Disputes Act and in the absence of any pre-existing right, the computation petition filed under Section 33(C)(2) itself is not maintainable. However, the petitioners had not established any such right and therefore, the Labour Court is right in rejecting the computation petition filed by the workmen under Section 33-C(2) of the Industrial Disputes Act.

11. Though the learned counsel for the first respondent/Management solicited the attention of this Court in respect of the ground that the MOU is not discriminatory, this Court is not inclined to consider the same. In view of the fact that all such contentions are disputed by the Competent forum, this Court cannot venture into such an exercise, as those issues are incorrect with reference to the computation petition filed under Section 33-C(2) of the Industrial Disputes Act. However, the writ petitioners themselves have admitted that they had accepted for VRS and the dues were settled in accordance with the terms and conditions of VRS and no dispute was raised with reference to the terms and conditions of the VRS. Further, it is an admitted fact that the writ petitioners were not in occupation of the company quarters allotted. Thus, the case of the writ petitioners cannot be compared with the case of the 244 employees, who were in occupation of the company quarters, and with reference to their occupation, negotiations were conducted and MOU was entered into between the parties. Extension of benefit is not part of the VRS. Therefore, the petitioners cannot claim that they are also having the same benefit on par with 244 employees who were in occupation of the quarters and the MOU entered into between the Management and the Union.

12. The Memorandum of Understanding dated 28.05.2008 reveals that "the parties agree that the plan of the land to be allotted will be prepared by the Management in consultation with the Unions and the 244 workers will be given the land by drawal of lots conducted in the presence of Union representatives. The land shall be allotted to the workers authorized by the Unions, within 30 days from the date of receipt of Order from the AAIFR discharging the Company from the purview of BIFR. The land shall be registered within 60 days from the date of allotment upon handing over the vacant possession. Simultaneously, the management has liberty to demolish respective quarters."

13. On a reading of the conditions in the MOU, it is clear that the benefit of 500 sq.ft was extended only to 244 workers, who were in occupation of the company quarters. Thus, the Labour Court arrived at a conclusion that the writ

petitioners had not established any pre-existing right so as to entertain a computation petition under Section 33-C(2) of the Industrial Disputes Act. Further, the Labour Court found that the merits on issues raised by the writ petitioners in computation petition cannot be decided under Section 33-C(2) of the Industrial Disputes Act.

14. This Court also considered the legal principles in this regard in W.P.No.1611 of 2015 dated 09.09.2019, the relevant paragraphs are extracted hereunder:

6. In respect of maintainability of the computation petition before the Labour Court under Section 33C(2) of the Industrial Disputes Act, 1947, the same is to be construed as a preliminary issue in the present writ petition. Learned counsel for the writ petitioner-Corporation contended that the other points raised in the impugned CP order cannot be taken into consideration in view of the fact that there was no pre-existing right for the purpose of filing the CP before the Labour Court under Section 33C(2) of the Industrial Disputes Act. The entire adjudication of the merits cannot be undertaken in the petition filed under Section 33C(2) of the Industrial Disputes Act. The very section stipulates that "where any workman is entitled to receive from the employer any money or any benefit which is capable of being computed in terms of money and if any question arises as to the amount of money due or as to the amount at which such benefit should be computed, then the question may, subject to any rules that may be made under this Act, be decided by such Labour Court as may be specified in this behalf by the appropriate Government".

7. Thus, there must be an entitlement before entertaining a petition under Section 33C(2) of the Industrial Disputes Act. In other words, there must be a pre-existing right which is a precondition for entertaining a petition under Section 33C(2) of the Industrial Disputes Act. In the absence of any such right or entitlement, no petition can be entertained for the purpose of computing the monetary value or benefits.

8. It is further to be construed that by way of fresh adjudication, monetary benefits cannot be computed. The merits and the demerits of the issues raised cannot be adjudicated in a petition filed under Section 33C(2) of the Industrial Disputes Act. All such adjudications are to be done in the manner prescribed before the Competent Court of Law and only if the rights and entitlements are crystallised, then alone a petition under Section 33C(2)

can be entertained and not otherwise. The petition under Section 33C(2) is more or less like an execution petition and therefore, the petition under Section 33C(2) of the Act cannot be entertained for the purpose of complete adjudication of the issues. The very scheme of the Industrial Disputes Act is constituted in such a manner that there must be an adjudication, which resulted in establishing a right and only after establishing the right or entitlement, a petition can be filed for computation or claiming the benefits. When the initial Sections of the Act enumerates for adjudication of the issues, then the adjudication of the disputed issues are to be undertaken at the first instance and only thereafter, a petition for claim or computation can be filed.

9. This being the legal principles to be followed, admittedly, there was no such adjudication. In the present case, the writ petitioner-Corporation has disputed the issues. The writ petitioner-Corporation even disputed the eligibility of the workman for the rest salary. Under those circumstances, the factual aspects as well as the relevant Rules are to be adjudicated and only after such process, the claim petition can be entertained and not otherwise.

10. In this regard, it is relevant to cite a judgment of the three Judges Bench of the Hon'ble Supreme Court of India in the case of State of U.P and Another vs. Brijpal Singh [2005-III-LLJ 1003]. The relevant paragraphs-10 and 12 of the judgment cited supra are extracted as under:

"10. It is well settled that the workman can proceed under Section 33-C(2) only after the Tribunal has adjudicated on a complaint under Section 33-A or on a reference under Section 10 that the order of discharge or dismissal was not justified and has set aside that order and reinstated the workman. This Court in the case of Punjab Beverages (P) Ltd. v. Suresh Chand [(1978) 2 SCC 144 : 1978 SCC (L&S) 165] held that a proceeding under Section 33-C(2) is a proceeding in the nature of execution proceeding in which the Labour Court calculates the amount of money due to a workman from the employer, or, if the workman is entitled to any benefit which is capable of being computed in terms of money, proceeds to compute the benefit in terms of money. Proceeding further, this Court held that the

right to the money which is sought to be calculated or to the benefit which is sought to be computed must be an existing one, that is to say, already adjudicated upon or provided for and must arise in the course of and in relation to the relationship between the industrial workman, and his employer. This Court further held as follows: (SCC p. 150, para 4)

"It is not competent to the Labour Court exercising jurisdiction under Section 33-C(2) to arrogate to itself the functions of an Industrial Tribunal and entertain a claim which is not based on an existing right but which may appropriately be made the subject-matter of an industrial dispute in a reference under Section 10 of the Act."

In the case of Municipal Corpn. of Delhi v. Ganesh Razak [(1995) 1 SCC 235 : 1995 SCC (L&S) 296 : (1995) 29 ATC 93] this Court held as under: (SCC pp. 241-42, paras 12-13)

"12. The High Court has referred to some of these decisions but missed the true import thereof. The ratio of these decisions clearly indicates that where the very basis of the claim or the entitlement of the workmen to a certain benefit is disputed, there being no earlier adjudication or recognition thereof by the employer, the dispute relating to entitlement is not incidental to the benefit claimed and is, therefore, clearly outside the scope of a proceeding under Section 33-C(2) of the Act. The Labour Court has no jurisdiction to first decide the workmen's entitlement and then proceed to compute the benefit so adjudicated on that basis in exercise of its power under Section 33-C(2) of the Act. It is only when the entitlement has been earlier adjudicated or recognised by the employer and

thereafter for the purpose of implementation or enforcement thereof some ambiguity requires interpretation that the interpretation is treated as incidental to the Labour Court's power under Section 33-C(2) like that of the executing court's power to interpret the decree for the purpose of its execution.

13. In these matters, the claim of the respondent workmen who were all daily-rated/casual workers, to be paid wages at the same rate as the regular workers, had not been earlier settled by adjudication or recognition by the employer without which the stage for computation of that benefit could not reach. The workmen's claim of doing the same kind of work and their entitlement to be paid wages at the same rate as the regular workmen on the principle of 'equal pay for equal work' being disputed, without an adjudication of their dispute resulting in acceptance of their claim to this effect, there could be no occasion for computation of the benefit on that basis to attract Section 33-C(2). The mere fact that some other workmen are alleged to have made a similar claim by filing writ petitions under Article 32 of the Constitution is indicative of the need for adjudication of the claim of entitlement to the benefit before computation of such a benefit could be sought. Respondents' claim is not based on a prior adjudication made in the writ petitions filed by some other workmen upholding a similar claim which could be relied on as an adjudication enuring to the benefit of these respondents as well. The writ petitions by some

other workmen to which some reference was casually made, particulars of which are not available in these matters, have, therefore, no relevance for the present purpose. It must, therefore, be held that the Labour Court as well as the High Court were in error in treating as maintainable the applications made under Section 33-C(2) of the Act by these respondents."

12. Thus, it is clear from the principle enunciated in the above decisions that the appropriate forum where question of back wages could be decided is only in a proceeding before a forum to whom a reference under Section 10 of the Act is made. Thereafter, the Labour Court, in the instant case, cannot arrogate to itself the functions of an Industrial Tribunal and entertain the claim made by the respondent herein which is not based on an existing right but which may appropriately be made the subject-matter of an industrial dispute in a reference under Section 10 of the ID Act. Therefore, the Labour Court had no jurisdiction to adjudicate the claim made by the respondent herein under Section 33-C(2) of the ID Act in an undetermined claim and until such adjudication is made by the appropriate forum, the respondent workman cannot ask the Labour Court in an application under Section 33-C(2) of the ID Act to disregard his dismissal as wrongful and on that basis to compute his wages. It is, therefore, impossible for us to accept the arguments of Mrs Shyamla Pappu that the respondent workman can file application under Section 33-C(2) for determination and payment of wages on the basis that he continues to be in service pursuant to the said order passed by the High Court in Writ Petition No. 15172 of 1987 dated 28-10-1987. The argument by the learned counsel for the workman has no force and is unacceptable. The Labour Court, in our opinion, has erred in allowing the application filed under Section 33-C(2) of the ID Act and ordering payment of not only the salary but also bonus to the workman

although he has not attended the office of the appellants after the stay order obtained by him. The Labour Court has committed a manifest error of law in passing the order in question which was rightly impugned before the High Court and erroneously dismissed by the High Court. The High Court has also equally committed a manifest error in not considering the scope of Section 33-C(2) of the ID Act. We, therefore, have no hesitation in setting aside the order passed by the Labour Court in Misc. Case No. 11 of 1993 dated 23-8-1995 and the order dated 9-1-2002 passed by the High Court in CMWP No. 36406 of 1995 as illegal and uncalled for. We do so accordingly."

11. In the case of Tara and Others vs. Director, Social Welfare and Others [(1998) 8 SCC 671], the Hon'ble Supreme Court observed as follows:-

"2. There is no infirmity in the conclusion reached by the Labour Court on the basis of the decision of this Court in Ganesh Razak [(1995) 1 SCC 235 : 1995 SCC (L&S) 296 : (1995) 29 ATC 93] that the claim made by the appellants is not maintainable under Section 33-C(2) of the Act. This is obvious from the fact that the status and nature of employment of the appellants is itself disputed and unless there is a prior adjudication on merits of the status which is the foundation for making the claim for wages at the specified rates, the question of moving an application under Section 33-C(2) for computation of the wages does not arise. We find that the Labour Court has recorded some findings which may be relevant for the disputed status of the appellants as anganwadi workers/helpers even though it has rightly reached the conclusion that the applications do not lie under Section 33-C(2) of the Act. It is clear that the question of maintainability of the applications under Section 33-C(2) was required to be determined at the threshold and the question of examining the appellants' claim on merits relating to their status could have been gone into thereafter if the applications were held to be maintainable under Section 33-C(2). In

view of the conclusion rightly reached by the Labour Court that the applications were not maintainable under Section 33-C(2), its other findings relating to the status and nature of employment of the anganwadi workers/helpers were wholly uncalled for. All such findings are, therefore, not to be construed as deciding any point relating to the status of the appellants."

15. In view of the facts and circumstances as well as the legal principles, this Court has no hesitation in coming to a conclusion that there is no perversity or infirmity in respect of the common order passed by the second respondent/Labour Court on 12.09.2014 in computation petition filed under Section 33-C (2) of the Industrial Disputes Act.

16. Accordingly, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

ssb

To

1. The Management of Binny Ltd.,
Having registered office at
No.106, Armenian Street,
Chennai-600001.
Now shifted to
No.1, Cooks Road,
Perambur, Chennai-600 012.

2. The Presiding Officer,
III Additional Labour Court,
Chennai-600 041.

+2cc to Mr.G.Purushothaman, Advocate, S.R.No. 90147
+1cc to Mr.T.S.Gopalan & Co, Advocate, S.R.No. 90177

W.P.No.30818 to 30829 of 2015

GJ(CO)
GN(17/12/2019)