

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Special Original Jurisdiction)

Tuesday, the Fifth day of November Two Thousand Nineteen

PRESENT

THE HON`BLE MR JUSTICE S.M. SUBRAMANIAM

WMP No.11006 of 2018
IN WP.NO.5850 OF 2016

1 THE WORKMEN, [PETITIONER]
REP. BY GENERAL SECRETARY, MANALI
PETROCHEMICALS EMPLOYEES UNION,
PONNERI HIGH ROAD, MANALI,
CHENNAI-600 068.

Vs

1 THE MANAGEMENT OF MANALI [RESPONDENTS]
PETROCHEMICALS LIMITED, PONNERI HIGH ROAD,
MANALI, CHENNAI 68 REP BY ITS WHOLE TIME
DIRECTOR (WORKS)

2 THE PRESIDING OFFICER
INDUSTRIAL TRIBUNAL, CHENNAI 104

3 THE WORKMEN
REP BY THE GENERAL SECRETARY, MANALI
PETROCHEMICALS LIMITED TECHNICAL EMPLOYEES
UNION, MADHAVARAM MILK COLONY, CHENNAI 51

4 T. SUNDAR,
5 P.N. RAMESH,
6 N. GOPALAKRISHNAN,
7 A. NAGARAJAN,
8 N.G. RAJAGOPALAN,
9 P. MUNUSAMY,
10 R. M. THANEERMALAI,

11 A. CHARLES FERNANDEZ,
12 R. RAMAN,
13 T.R. NAGAPPAN,
14 E. MACHAVEL,
15 M. VEERAPPAN,
16 R. SHANMUGA SUNDARAM,
17 R. SRINIVASAN,
18 P. BALASUBRAMANIAN,
19 K. POTHURAJA,
20 R. GOVINDASAMY,

21 E. PRITHIVIKUMAR,
22 K. DHANASEKAR,
23 R. SUBBUKUTTI,
24 N. JEGAN,
25 C. ASOKAN,
26 MR. R. MURUGAIAH,
27 D. BALAJI,
28 S. ELANGO,
29 K. VARADHAN,
30 R. MANI,

31 M. MUTHUKUMAR,
32 S. SELVAKUMARAN,
33 T. JOGIDRA KUMAR,
34 D. PRAKASH,
35 T. V. MANOHARAN,
36 S.P. VEERAPPAN,
37 G.A. SIVAGURU,
38 N. RAVICHANDRAN,

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to Direct the 1st Respondent to extend the wage revision extended to the 32 employees pursuant to the 18(1) Settlement entered on 06.07.2017, to the Members of the Petitioner Union viz., 32 employees as an interim arrangement, pending the final disposal of the Writ Petition, award costs.

Order : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S.BALAN HARIDAS, Advocate for the petitioner and of MR.ANAND GOPALAN FOR M/S. T.S.GOPALAN & CO., FOR 1st Respondent and of MR.D.BHARATHY, ADVOCATE FOR 3RD RESPONDENT AND OF MR.C.K.CHANDRASEKAR, ADVOCATE on behalf of the 4 TO 38 Respondents the court made the following order:-

This miscellaneous petition is filed by the Management to direct the first respondent to extend the wage revision extended to the 32 employees pursuant to the 18(1) Settlement entered on 06.07.2017, to the Members of the Petitioner-Union viz., 32 employees as an interim arrangement, pending final disposal of the main writ petition.

2. The issues, at large, are raised in the main writ petition. However, it is brought to the notice of this Court that a similar miscellaneous petition with a same prayer was already filed before this Court in WMP No.3240 of 2017. The prayer sought for in the said miscellaneous petition is akin to that of the prayer sought for in the present miscellaneous petition.

3. The prayer in the earlier miscellaneous petition, namely, WMP No.3240 of 2017 is extracted as under:-

"To pass an Interim Direction directing the first respondent / Management to pay the benefits together with arrears as per the Settlements dated 06.07.2016 i.e., for the period from 01.01.2001 to 31.12.2015 and the wage revision and other benefits for the period from 01.01.2016 in terms of the individual Settlement entered into by the first respondent / Management with few individual workers under Section 18(1) of the Industrial Disputes Act, 1947, to all the workers covered under the Award dated 23.09.2008 in I.D.No.51 of 2004 and I.D.No.35 of 2006."

4. The prayer in the present miscellaneous petition, namely, WMP No.11006 of 2018, is extracted as under:-

"To direct the first respondent to extend the wage revision extended to the 32 employees pursuant to the 18(1) Settlement entered on 06.07.2017, to the Members of the Petitioner-Union viz., 32 employees as an interim arrangement, pending the final disposal of the main writ petition."

5. Citing the similarity in the directions sought for in the abovesaid two miscellaneous petitions, the learned counsel appearing on behalf of the Management solicited the attention of this Court that the earlier direction petition was already disposed of by this Court on 12.06.2017. Therefore, the present miscellaneous petition is to be dismissed and all the merits and demerits are to be adjudicated at the time of final hearing of the main writ petition.

6. The learned counsel appearing on behalf of the workmen reiterated that the workmen before this Court alone are deprived of getting equal pay on par with the other employees working with the Management. In other words, those employees, who all are not before this Court are getting higher pay than that of the workmen, who all are parties in the main writ petition. The disparity is a heart-burning issue and by way of an interim order, the salary on par with the other employees are to be paid by the Management.

7. The learned counsel for the workmen insisted that the Management is pressurising the employees to sign the Settlement by denying the wages on par with the other employees, who all are working in the said industry. Such an attitude of the Management cannot be appreciated by this Court and therefore, the workmen were constrained to file a direction petition for grant of interim order for payment of salary on par with other employees working with the Management.

8. Even in rejecting the case of the workmen, they would be entitled to get salary as per Section 18(1) Settlement of the Industrial Disputes Act, 1947. In the event of dismissing the writ petition, the workmen may get more pay than that of the pay agreed in the 18(1) Settlement. Citing these grounds, the learned counsel appearing on behalf of the workmen reiterated that in case of passing an interim order, the Management would not be prejudiced and in any case, the Management is liable to pay the wage revision as per Section 18(1) Settlement of the Industrial Disputes Act, 1947.

9. This being the facts and circumstances established, the parties are also serious in adjudicating the issues and in order to balance the situation and to give the benefits at least on par with other employees or in terms of 18(1) Settlement already implemented by the Management. It is brought to the notice of this Court that already about 22 workmen had signed 18(1) Settlement and got their benefits. As far as 10 workmen are concerned, they are still disputing the 18(1) Settlement. In respect of these 10 workmen, the Management had already settled each Rs.11 lakhs and under these circumstances, the Management is directed to pay Rs.2 lakh each to the following workmen as detailed below:-

"MANALI PETROCHEMICAL LTD
LIST OF EMPLOYEES REPORTING FOR WORK AS ON 04.11.2019 AND NOT
SIGNED 18(1) SETTLEMENT

S.No		Name	Designation	Present Cadre	TOTAL ADHOC PAID TILL JUNE 2017
1.	P10170	B.Venkatasamy	Sr.Technician (Opm)	SC/A	1101804
2.	P10182	R.Govindarajan	Sr.Technician (Opm)	SC/A	1101804
3.	P10241	R.Ratnakumar	Sr.Technician (RDQA)	SC/A	1101804
4.	P10219	P.Asokan	Technician Gr.I (Opm)	SC/B	1089162
5.	P10242	A.Seenivasa Raghavan	Technician Gr I (RDQA)	SC/B	1089162
6.	P10324	A.Parthasarathy	Technician Gr I (Mech)	SC/B	1089162
7.	P10369	V.Manikandan	Technician Gr I (Inst)	SC/B	1089162
8.	P20228	P.Indirani	Telephone Operator	T-C	1085636

S.No		Name	Designation	Present Cadre	TOTAL ADHOC PAID TILL JUNE 2017
9.	P10546	D.Baskaran	Technician Gr II (RDQA)	SC/C	1071053
10.	P10552	J.S.Chandrasekar	Technician Gr II (Opm)	SC/C	1071053

10. The payment of Rs.2 lakhs is directed to be given to the abovesaid workmen, within a period of two weeks from the date of receipt of a copy of this order.

11. The learned counsel for the Management made a complaint that while working with the Management, these 10 employees are indulging in some activities affecting the peaceful functioning of the Company. The learned counsel for the Management informed this Court that the workmen and the Unions are going on indulging in giving false complaints and informations against the Management and thereby causing inconvenience and kindling the other workmen to do some illegal activities. Therefore, the workmen and the Unions should not indulge in such activities against the Management, as the disputes are also pending in this regard.

12. However, it is made clear that when a consensus is arrived between the parties that they will not indulge in such illegal activities against the Management and the learned counsel appearing on behalf of the workmen also fairly made a submission that they will not indulge in any such activities, it is unnecessary to pass any further orders in this regard, as the parties themselves have agreed to maintain good conduct for the peaceful functioning of the industry and to maintain industrial peace.

13. Rest of the issues shall be adjudicated at the time of final hearing of the main writ petition.

14. Accordingly, the miscellaneous petition stands disposed of.

15. Post the main writ petition for final disposal after two weeks.

-sd/-

05/11/2019

/ TRUE COPY /

Sub Assistant Registrar (Statistics / C.S.)
High Court, Madras - 600 104.

TO

1 THE MANAGEMENT OF MANALI
PETROCHEMICALS LIMITED, PONNERI HIGH ROAD,
MANALI, CHENNAI 68 REP BY ITS WHOLE TIME
DIRECTOR (WORKS)

2 THE PRESIDING OFFICER
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3 THE GENERAL SECRETARY,
THE WORKMEN MANALI PETROCHEMICALS
LIMITED TECHNICAL EMPLOYEES
UNION, MADHAVARAM MILK COLONY, CHENNAI 51

C.C. to M/S.BALAN HARIDAS Advocate on payment of necessary
charges

The Government Advocate, High Court, Madras - 104.

Order
in
WMP.11006/2018
in WP.NO.5850 OF 2016

Date :05/11/2019

From 26.2.2001 the Registry is issuing certified
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VC (07/11/2019)

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