

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Special Original Jurisdiction)

Friday, the Twenty Second day of March Two Thousand Nineteen

PRESENT

THE HON`BLE MR JUSTICE V.PARTHIBAN

W.M.P.NOS.9064 TO 9066 OF 2019

W.M.P.NO.3296 OF 2019

W.M.P.NO.9062 OF 2019

IN

W.P.NO.3033 OF 2019

M.BALAGURU [PETITIONER IN WMP.9064/19]

1 C.CHANDRASEKAR [PEITIONER IN WMP.9065/19]

P.SATHIYASEELAN [PEITIONER IN WMP.9066/19]

1 THE MANAGEMENT OF [PETITIONER IN WMP.3296/19]
ASHOK LEYLAND LTD, FOUNDRY DIVISION,
FORMERLY KNOWN AS HINDUJA FOUNDRIES LTD.,
P.NO.K.2, SIPCOT INDUSTRIAL ESTATE,
ARNERI VILLAGE, SRIPERUMBUDUR- 602 105
REP.BY ITS HEAD-HUMAN RESOURCES.

M.BALAGURU [PETITIONR IN WMP.9062/19]

Vs

1 THE MANAGEMENT OF [1 TO 3 RESPONDENTS IN WMP.9064/19]
ASHOK LEYLAND LTD, FOUNDRY DIVISION,
FORMERLY KNOWN AS HINDUJA FOUNDRIES LTD.,
P.NO.K.2, SIPCOT INDUSTRIAL ESTATE,
ARNERI VILLAGE, SRIPERUMBUDUR- 602 105
REP.BY ITS HEAD-HUMAN RESOURCES.

2 C.CHANDRASEKAR
3 P.SATHYASEELAN

1 THE MANAGEMENT OF ASHOK LEYLAND LTD, [1 TO 3 RESPONDENTS IN
FOUNDRY DIVISION, FORMERLY KNOWN WMP.9065/19]
AS HINDUJA FOUNDRIES LTD, P.NO.K.2,
SIPCOT INDUSTRIAL ESTATE,
ARNERI VILLAGE, SRIPERUMBUDUR- 602
REP.BY ITS HEAD-HUMAN RESOURCES.

2 M.BALAGURU
3 P.SATHYASEELAN

1 THE MANAGEMENT OF ASHOK LEYLAND LTD, [1 TO 3 RESPONDENTS IN
FOUNDRY DIVISION, FORMERLY KNOWN WMP.9066/19]
AS HINDUJA FOUNDRIES LTD, P.NO.K.2,
SIPCOT INDUSTRIAL ESTATE,
ARNERI VILLAGE, SRIPERUMBUDUR- 602.
REP.BY ITS HEAD-HUMAN RESOURCES.

2 M.BALAGURU

3 C.CHANDRASEKAR

1 M.BALAGURU [1 TO 3 RESPONDENTS IN WMP.3296/19]

2 C.CHANDRASEKAR

3 P.SATHIYASEELAN

1 THE MANAGEMENT OF ASHOK LEYLAND LTD, [1 TO 3 RESPONDENTS IN
FOUNDRY DIVISION, FORMERLY KNOWN WMP.9066/19]
AS HINDUJA FOUNDRIES LTD, P.NO.K.2,
SIPCOT INDUSTRIAL ESTATE,
ARNERI VILLAGE, SRIPERUMBUDUR- 602.
REP.BY ITS HEAD-HUMAN RESOURCES.

1 THE MANAGEMENT OF ASHOK LEYLAND LTD, [1 TO 3 RESPONDENTS IN
FOUNDRY DIVISION, FORMERLY KNOWN WMP.9062/19]
AS HINDUJA FOUNDRIES LTD, P.NO.K.2,
SIPCOT INDUSTRIAL ESTATE,
ARNERI VILLAGE, SRIPERUMBUDUR- 602.
REP.BY ITS HEAD-HUMAN RESOURCES.

2 C.CHANDRASEKAR

3 P.SATHIYASEELAN

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to Direct the Respondent / Writ Petitioner Management to pay the Petitioner, his last drawn monthly wages of Rs.10,050/- every month commencing from the date of award on 31.05.2018 (in WMP.9064/19 in WP.No.3033/19)

(ii) to Direct the Respondent / Writ Petitioner Management to pay the Petitioner, his last drawn monthly wages of Rs.9,650/- every month commencing from the date of award on 31.05.2018 (in WMP.9065/19 in WP.No.3033/19)

(iii) to Direct the Respondent / Writ Petitioner Management to pay the Petitioner, his last drawn monthly wages of Rs.9,900/- every month commencing from the date of award on 31.05.2018 (in WMP.9066/19 in WP.No.3033/19)

(iv) to grant interim stay of the common Award of the III Additional Labour Court, Chennai in I.D. No.81,82 and 83 of 2014 (in WMP.No.3296/19) pending disposal of the writ petition 3033/19) and;

(v) To Vacate the Interim Stay granted on 07.02.2019 in WMP. No.3296 of 2019 in WP No.3033 of 2019 (in WMP.9062/19) in WP.No.3033/19 respectively.

Order : These petitions coming on for orders upon perusing the petitions and the respective affidavits filed in support thereof and upon hearing the arguments of M/S.K.BHARATHI, Advocate for the petitioner in WMP.No.9064 to 9066 and 9062/19 and respondent in WMP.No.3296/19 and of M/S.M.ANAND GOPALAN for M/S.T.S.GOPALAN & CO., for the respondents in WP.Nos.9064 to 9066 and 9062/19 and Petitioner in WMP.No.3296/19 on behalf of the Respondents the court made the following order:-

The challenge in the writ petition is to the award dated 31.05.2018, passed by the Labour Court, Chennai, in I.D.Nos.81 to 83 of 2014, ordering reinstatement of the workmen.

2.When the writ petition came up for admission, this Court has granted interim stay of the award.

3.Today, the learned counsel appearing for the workmen would submit that the workmen have filed W.M.P.Nos.9064 to 9066 of 2019, seeking last drawn wages under Section 17-B of the Industrial

Disputes Act. Simultaneously W.M.P.No.9062 of 2019 has also been filed seeking to vacate the interim stay already granted by this Court.

4.Since the 17B wages is a statutory right conferred upon the employees, which cannot be denied to them, this Court is of the view that the W.M.P.Nos.9064 to 9066 of 2019 are to be allowed. Accordingly, W.M.P.Nos.9064 to 9066 of 2019 are allowed and the writ petitioner/Management is directed to pay last drawn wages as admissible to the employees with arrears of wages and continue to pay the same. This direction shall be complied with by the writ petitioner/Management within a period of two weeks from the date of receipt of a copy of this order.

5.In view of the 17B wages being ordered, the stay already granted by this Court is made absolute and W.M.P.No.3296 of 2019 stands allowed and the vacate stay petition in W.M.P.No.9062 of 2019 shall stand dismissed.

-sd/-

22/03/2019

/ TRUE COPY /

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

TO

THE PRESIDING OFFICER,
III ADDITIONAL LABOUR COURT, CHENNAI.

C.C. to M/S.K.BHARATHI Advocate on payment of necessary charges

The Government Advocate, High Court, Madras - 104.

Order

in

W.M.P.Nos.9064 to 9066 of 2019

W.M.P.No.3296 of 2019

W.M.P.No.9062 of 2019

in W.P.No.3033 of 2019

Date :22/03/2019

From 26.2.2001 the Registry is issuing certified
copies of the Interim Orders in this format
SDR 02.04.2019