

IN THE HIGH COURT OF JUDICATURE AT MADRAS

ORDER RESERVED ON 24.01.2020
ORDER DELIVERED ON 21.02.2020
CORAM

THE HONOURABLE MR. JUSTICE K.RAVICHANDRABAABU
W.P.Nos. 13658 & 13670 of 2016

W.P.No.13658 of 2016:

1. A.Radha
2. B.Ravanan
3. A.S.Muppudathi
4. R.Saravanan (Died)
5. B.Murugan
6. Nagander Kumar
7. S.Abdul Sukur
8. C.Arumugam
9. R.Mani
10. T.Sunder Rajan
11. R.Babu
12. S.Chandra Sekar
13. B.Narayanan
14. N.Manoharan
15. G.Jothi
16. V.Gopalakrishnan
17. K.K.Rajendran
18. P.Dharmalingam
19. A.Deenadayalan
20. S.Poonjolai
21. M.Sekar
22. N.Elangovan
23. V.Elumalai
24. K.Harikrishnan
25. M.Sesu
26. R.Tharaga Jothi
27. D.Jayachandran
28. S.Alexander
29. C.Ravichandran
30. R.Govindasamy
31. B.Baskar
32. V.Lawzer (Died)
33. S.Srinivasan
34. T.Sathyanathan
35. N.Raja
36. C.A.Dharmaraj
37. D.N.Dillibabu
38. S.V.Ramanathan

39. A.Micheal
 40. Devanboo
 41. Daniel Rabinson
 42. M.Padmavathi
 43. S.Chandran
 44. M.S.Gunasekar
 45. M.Parthiban
 46. Anbalagan
 47. V.Perumal
 48. G.Selvaraj
 49. M.Boopalan
 50. G.sekar
 51. R.Gopal
 52. Baranikumar
 53. Marudapparaj
 54. Veerappan
 55. R.RenukaBai
 56. Gowri
W/o Late R.Saravanan
 57. S.Lekha (Minor)
rep. by her mother and guardian
S.Renuka Bai
 58. L.Esther Rani
W/o Late V.Lazer
 59. L.Thomas
S/o Late V.Lazer
 60. L.John
S/o V.Lazer
 61. L.Vimala,
D/o Late V.Lazer
- Petitioners 58 to 61 are LRs ov V.Lazer) ... Petitioners

- VS
1. The Presiding Officer,
I Additional Labour Court,
Chennai - 600 104.
 2. The Management of Vibromech
Engineers Limited,
Corporate Office, No.115, Industrial Estate,
Perungudi,
Chennai - 600 096.
- ... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue Writ of certiorarified mandamus to call for the records of the presiding officer, I Additional Labour Court, Chennai 104, the first respondent herein in C.P.No.300 of 2011 dated 31.08.2015 and to quash the same and direct the second respondent to pay the wages to the petitioners as claimed in C.P.No.300 of 2011 within a time frame fixed by this Court.

W.P.No.13670 of 2016

- 1.C.Krishnamurthy
- 2.S.D.Moorthy
- 3.Meer Mohamed Safi
- 4.B.Sukumar
- 5.V.Parthiban
- 6.S.Kumar
- 7.P.Chinnaiyan
- 8.K.Mayaraj
- 9.V.Natarajan (died)
- 10.E.R.Sreethar
- 11.P.Kuppusamy
- 12.M.Pushparaj
- 13.S.Rajappan
- 14.R.Babu (draftsman)
- 15.S.Sivakumar
- 16.E.Sampath
- 17.S.Saravanan
- 18.N.Banu
- 19.N.Prakash
- 20.N.Anbalagan
- 21.N.Selvakumar

... Petitioners

1. The Presiding Officer,
I Additional Labour Court,
Chennai - 600 104.

2. The Management of Vibromech
Engineers Limited,
Corporate Office, No.115, Industrial Estate,
Perungudi,
Chennai - 600 096.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue Writ of certiorarified mandamus to call for the records of the Presiding Officer, I Additional Labour Court, Chennai 104, the first respondent herein in C.P.No.328 of 2011 dated 31.08.2015 and to quash the same and direct the

second respondent to pay the wages to the petitioners as claimed in C.P.No.328 of 2011 within a time frame fixed by this Court.

For Petitioners
in both the W.Ps.

: Mr.V.Prakash
Senior Counsel
for Mr.K.Sudalaikanu

For Respondents
in both the W.Ps.

: R1-Labour Court
Mr.Yashod Varadhan
Senior Counsel
for Mr.Anand Sashidaran-R2

C O M M O N O R D E R

Challenge made in W.P.No.13658/2016 is the order of the Labour Court dated 31.08.2015 made in C.P.No.300 of 2011. Consequently, the petitioners seek for a direction to the 2nd respondent to pay wages as claimed in the said C.P. The claim made in the said C.P. is for payment of 50% of the wages till 03.11.2008 and full wages and all other allowances and bonus from 04.11.2008 till January 2011. The Labour Court restricted the relief.

2. W.P.No.13670 of 2016 is filed challenging the order of the labour Court made in C.P.No.328/2011 dated 31.08.2015. Consequently, the petitioners seek for a direction to the 2nd respondent to pay wages as claimed in the said C.P. The claim made in the said C.P. is for paying 50% of the wages till 06.01.2009 and thereafter full wages. The Labour Court restricted the claim.

3. All these petitioners are employees of the same Management/2nd respondent in both the Writ Petitions. The claim made by them arises out of common facts and circumstances. Hence, the facts and circumstances, as projected by the petitioners, are stated, in brief, as follows:

All these petitioners are members of Vibromech Engineers Employees Union. The said Union submitted its charter of demands for the year 1985. The Management suddenly declared a lock out from 21.06.1985. Though the Management agreed to lift the lock out before the Assistant Commissioner of Labour on certain terms and conditions, they insisted the workmen to resume duty after giving an undertaking that they will become the member of the rival INTUC Union. Though these petitioners reported for work on 17.09.1985, they were not allowed to work. Thus, the dispute whether the lock out was illegal or not, was referred to

Industrial Tribunal in I.D.No.52 of 1986. The Tribunal, by order dated 26.03.1991, found that the lock out declared on 21.06.1985, was justified. Against the said award, the Union filed Writ petition before this Court in W.P.No.13558 of 1991. By consent, the above matter was remitted back to the Industrial Tribunal for fresh disposal. However, the Tribunal once again held that the lock out was justified, by its award dated 20.05.1998. It was again challenged before this Court in W.P.No.16499 of 1998. This Court found that the lock out was illegal and that the workmen, who are denied work from the day they had expressed their willingness for work till the lock out was lifted, are entitled to 50% wages. The said order was passed on 03.11.2008. Based on the said order, the Union sent a letter dated 12.12.2008 to the Management for compliance. It was followed by a reminder dated 20.02.2009 and a legal notice dated 07.05.2010. The Management sent a letter dated 11.07.2009 informing that 50% of the wages has to be paid only for the period of lock out viz., 21.06.1985 to 16.09.1985. This Court never intended that 50% of the backwages to be paid till 16.09.1985. The Union filed a petition for clarification of the order made in W.P.No.16499 of 1998. However, the said Miscellaneous Petition was not pressed by the Union. The Claim of the Management that they have sent some cheque to the Union is totally false. All the petitioners are out of employment ever since from the date of lock out on 21.06.1985 and hence, they are entitled to 50% wages till the date of this Court's order on 03.11.2008 and full wages for the subsequent period. The Labour Court committed grave error in giving a restricted interpretation to the order passed in W.P.No.16499/1998. On 29.06.1995, the petitioner Union wrote to the Management expressing their willingness to report for work. Hence, it is clear that the petitioners, though admittedly reported for work, they were denied employment and the lockout was not lifted insofar as the petitioners are concerned. This aspect has not been considered by the Labour Court.

4. In W.P.No.13670 of 2016, it is specifically stated as follows:

When the Industrial Dispute No.52 of 1986 was pending, the Management conducted an exparte enquiry against 17 workmen and dismissed them, who are the petitioners in W.P.No.13670 of 2016. The Management filed Approval Petition before the Tribunal in Approval Petition Nos.31 to 48 of 1987. The Tribunal by order dated 09.05.1988, granted approval. The said order was challenged by the Union in W.P.No.8487 of 1988. By order dated 31.03.1997, this Court set aside the order of the Industrial Tribunal and remanded the matter back for fresh disposal. The Union preferred writ appeal in W.A.No.1039 of 1998. The

Division Bench by order dated 06.01.2009, held that 18 workmen including the petitioners, who were dismissed from service, are entitled to 50% backwages from the date they had expressed their willingness to report for work till the lock out was lifted. Though these petitioners expressed their willingness to report for work, the Management has not chosen to give them work. Since the approval of the dismissal order has been rejected by the Hon'ble Division Bench, these petitioners are deemed to be in service and therefore, they are entitled to 50% backwages till 06.01.2009 and subsequently, for full backwages. Therefore, these petitioners filed C.P.No.328 of 2011. However, the Labour Court denied the wages for the period from 17.09.1985 to 06.01.2009 and also for subsequent period.

5. Separate counter affidavits are filed in both writ petitions. The sum and substance of the averments made in both the counter affidavits are as follows:-

The claim petition has been filed with a view to re-agitate the issues already decided by this Court in its Order dated 03.11.2008 made in W.P.No.16499 of 1998. The said order has attained finality. The present interpretation that is sought to be advanced by these writ petitioners was also raised in a petition for clarification in W.P.M.P.No.457 of 2010 in W.P.No.16499 of 1998. However, the said miscellaneous petition was withdrawn, as this Court was not inclined to agree with the petitioners. Therefore, the petitioners are not entitled to re-agitate the issue again. It is false to claim that the Management suddenly declared an illegal lockout from 21.06.1985. The Union started indulging in indiscipline riotous behaviour and slow down in production to pressurize the second respondent to break the 12(3) settlement dated 18.02.1983. The Production Manager and the personnel and administrative officer were also assaulted. In order to prevent and avoid further damage to the machinery and property, the Management declared a lock-out from 21.06.1985 midnight and initiated disciplinary action against 15-20 workmen. Since lock-out was lifted by the Management by notice dated 16.09.1985, the situation became normal, out of 120 workmen, 58 workmen reported for duty by giving an undertaking as required by the Management, 25 workmen were under suspension pending enquiry and 37 workmen did not report for duty. Subsequently, suspension was also revoked in respect of 5 persons and two persons had resigned and these 5 persons also reported for work by giving an undertaking. Domestic enquiry was held in respect of balance 18 workmen and consequently, they were dismissed from service on 02.09.1985, after obtaining permission from the Industrial Tribunal. I.D.No.52 of 1986 was filed to declare lock-out as illegal. The Tribunal originally

held that the lockout is justified. The same was put to challenge by the Union in W.P.No.13858 of 1991. By order dated 11.04.1997, the Writ Court remanded the matter back to the Labour Court. Again by award dated 20.05.1998, the Labour Court concluded that the lock out was justified. The Union filed W.P.No.16499 of 1998 against the said award. By order dated 03.11.2008, this Court observed that the award of the Tribunal in holding that the lock out for the entire period was justified thereby denying the full wages, cannot be found acceptance. Nowhere in its order, this Court found that the lock out is illegal. Therefore, this Court was pleased to modify the order by concluding that the workmen, who were denied work, from the day they had expressed their willingness to report for work till the lock out was lifted, are entitled to 50% of the backwages. In respect of dismissal of 18 workers, the Management filed approval petition and the same was allowed by the Tribunal. Challenging the same, the workers filed W.P.No.8487 of 1988 and the Writ Court set aside the order passed in the approval application and remanded the matter back to the Tribunal. Challenging the same, the workers filed W.A.No.1039 of 1998. The Division Bench found that the relief granted in W.P.No.16499 of 1998 is just and reasonable and directed the Management to extend similar relief to 18 other workmen, who are parties in the writ appeal. Therefore, the first respondent Tribunal has rightly given effect to the orders of this Court by holding that the employees who expressed their willingness to work are entitled to 50% wages from the date of such expressing willingness to the work till the lock out was lifted. The order of this Court was to the effect that only 50% backwages were to be paid from 21.06.1985 to 16.09.1985. The entitlement of the workmen has already been decided by this Court and therefore, the question of denial of employment, lockout, etc., does not arise. The averment that the lockout was not lifted insofar as the petitioners are concerned is false and baseless as there cannot be lockout in respect of specific employees only. There was no averment to this effect in the claim petition.

6. Mr.V.Prakash, learned Senior Counsel appeared for the petitioners in both the writ petitions and argued the matter. A written submission is also filed on behalf of the petitioners. The sum and substance of the submissions made on behalf of the petitioners is as follows:

In W.P.No.16499 of 1998, this Court passed an order finding that the award passed by the Labour Court justifying the lockout, was bad and granted the relief for payment of 50% of the backwages to the workmen, who are denied work from the date

they had expressed their willingness to report for work till the lockout was lifted. The Management had imposed the lockout on 21.06.1985 but lifted the lockout on 16.09.1985, however without allowing 25 workers, who were suspended pending enquiry and 58 workers, who reported for duty. Out of 25 workers, who were suspended earlier, though suspension was revoked for 5 workmen and 2 workmen have resigned, the service of 18 workmen was terminated(who are petitioners in W.P.No.13670 of 2016). The Union had written to the Management on 29.06.1985, stating that the workers are willing for reporting duty. The Management, however laid certain pre conditions and refused to lift the lockout to those who did not sign undertakings. Therefore, the workers even though were ready to report for duty, were not allowed by the Management to resume duty. In respect of 18 workers, whose service was terminated, in the approval proceedings, which culminated in W.A.No.1039 of 1998, the Division Bench directed to grant the same relief as has been granted to the other workers in W.P.No.16499 of 1998. In the case of 6-18 workers, lockout was never lifted. Therefore, they should be given 50% of backwages to the date of lifting of lockout which had not happened. The Labour Court, however proceeded on the basis that the lockout was lifted on 29.06.1985. Thus, the Labour Court calculation is without any basis.

7. Mr.Yashod Varadhan, learned Senior Counsel for the second respondent/Management appeared and made his submission. A separate written submissions on behalf of the Management in both the cases were filed. The sum and substance of the submissions made by the Management is as follows:

The lockout declared from 21.06.1985 midnight was lifted by the Management by notice dated 16.10.1985. Out of 120 workmen, who were on the rolls of the second respondent, 58 workmen reported for duty by giving an undertaking, 25 workmen were under suspension pending enquiry and 37 workmen did not report for duty. The present writ petition in W.P.No.13658 of 2016 is with regard to those who did not report for duty and give an assurance of good conduct. Domestic enquiry was held in respect of 18 workmen and they were dismissed from service on 02.09.1985, after obtaining approval from the Industrial Tribunal. In I.D.No.52 of 1986, the Industrial Tribunal clearly concluded that the lock out declared by the second respondent was justified and that the workmen are not entitled to any relief. However, in the writ petition filed against the said order, in W.P.No.16499 of 1998, this Court passed an order on 03.11.2008, holding that the workmen, who are denied work, from the day they had expressed their willingness to report for work till the lock out was lifted are entitled to 50% of wages.

Accordingly, this Court modified the award passed by the Labour Court in I.D.No.52 of 1986. Since the Union had claimed that they had expressed their willingness to work on 29.06.1985 itself, this Court held that the workmen would be entitled to 50% of the wages from the date on which they expressed their willingness to work until the lock out was lifted. The lockout was lifted on 16.09.1985, as recorded by this Court in W.P.No.16499 of 1998. The Union filed a clarification petition in M.P.No.157 of 2010, seeking a clarification that the workmen are entitled to 50% of the wages from the date on which they expressed their willingness to report for work till they are reinstated in service and that the same should not be restricted till the date on which the lockout was lifted. However, the said clarification petition was withdrawn on 31.01.2011. The said order made in W.P.No.16499 of 1998 has thus become final, conclusive and is binding the parties. Insofar the proceedings granting approval of the dismissal of 18 workmen is concerned, the same has culminated into an order passed in W.A.No.1039 of 1998, holding that the relief granted in W.P.No.16499 of 1998 is to be extended to those 18 workmen also. The Union filed a review petition in Rev.Appln.No.150 of 2010 on the ground that the order ought to have stated that the workmen is entitled to wages till the date on which they are reinstated in service. The review petition was dismissed on 07.02.2011. Thus, the finding of this Court that 50% of the wages was payable for the period from the date on which the workmen expressed their willingness to report for work till the date on which the lock out was lifted i.e., 16.09.1985, has become final. It is not correct to contend that the lock out has not been lifted on 16.09.1985, insofar as these petitioners are concerned. Therefore, these petitioners cannot have any other relief more than what is granted already.

8. Heard both sides and perused the materials placed before this Court.

9. Since the facts and circumstances warranting the filing of these writ petitions and the submissions made by the respective parties through their pleadings and their counsels have been extracted in detail supra, I am not reiterating the same once again hereunder except to the limited extent of referring certain facts, which are necessary for the disposal of these writ petitions.

10. In claim petition No.300 of 2011, filed after the order passed in W.P.No.16499 of 1998, the petitioners/workmen claimed 50% of the wages till 03.01.2008 from the date of lockout and full wages and all other allowances and bonus from 04.11.2008 to

January 2011. Likewise, in Claim Petition No.328 of 2011, the petitioners/workmen claimed 50% of the wages till 06.01.2009, being the order made in W.A.No.1039 of 1998 and for full wages for the subsequent period. The Labour Court in both the cases found that as per the order passed in W.P.No.16499 of 1998 and Writ Appeal No.1039 of 1998, these writ petitioners would be entitled to 50% of the wages for the lockout period only and accordingly, computed the amount.

11. The point for consideration in these writ petitions is as to whether the claim made by the petitioners before the Labour Court is justifiable.

12. It is not in dispute that in one set of writ petitioners, their claim emanates from the order passed in W.P.No.16499 of 1998. In another set of writ petitioners, their claim was based on the order passed in W.A.No.1034 of 1998. Therefore, it is evident that these petitioners, who are bound by those orders passed by this Court earlier, cannot seek more than what was granted therein or interpret the said orders in such a way to suit their convenience.

13. The dispute is with regard to the period of lockout. There is no dispute between the parties that the lockout was declared on 21.06.1985. However, when the Management claimed that the lockout was lifted on 16.09.1985, one set of the writ petitioners claimed that they were not allowed to report duty on 17.09.1985 and another set of writ petitioners claimed that the lockout was never lifted insofar as the petitioners whose service was terminated.

14. The order passed in W.P.No.16499 of 1998 dated 03.11.2008, would clearly indicate that the date of lifting of lockout viz., 16.09.1985, was not in dispute. The Writ Court observed at paragraph 6 of the said order that the Tribunal held that the lock out was lifted on 16.09.1985 and that out of 120 workmen, 58 reported for duty and 25 were kept under suspension pending enquiry. After recording the said factual finding rendered by the Tribunal, the Writ Court refused to accept the award of the Labour Court in holding that the lock out for the entire period was justified and that wages for the whole period cannot be granted. After finding so, the Writ Court modified the award only to the extent that the workmen, who are denied work from the date they expressed their willingness to report for work till the lockout was lifted, are entitled to 50% of the wages. Therefore, the date of lock out and lifting of the same have been considered by the Writ Court and there was no dispute with regard to the same, nor the parties therein had raised any

such issue before the Writ Court.

15. Likewise, in respect of the workmen who were dismissed from service, the approval petition though was allowed by the Tribunal, further proceedings culminated into filing of writ appeal in W.A.No.1034 of 1998. The Division Bench of this Court by its order dated 06.01.2009, disposed the said appeal by observing at paragraphs 6, 7, 15, 16 and 17 as follows:-

"..6. It is brought to the notice of the court that in a similar writ petition filed in W.P.No.16499 of 1998 by workmen, represented by its Secretary, Vibromech Engineers Thozhilalar Sangam, the respondent herein, considering all the facts and circumstances of the said case, the learned single Judge, by order, dated 03.11.2008 has held as follows :

"Therefore, the workmen, who are denied work from the day they had expressed their willingness to report for work till the lockout was lifted are entitled for 50% of the wages. The Award impugned in the writ petition will stand modified to that extent.

7. It is seen from the order that when lockout was lifted on 16.09.1995, out of 120 workmen, 58 workmen reported for duty and 25 were kept under suspension pending enquiry, out of which five workmen's suspension was revoked and two had resigned. The balance 18 workmen were dismissed, after holding enquiries with the approval of the Tribunal. It is seen from the records that the dispute arose only after the charter of demands was placed by the union and even when the issue was pending before the Conciliation authorities, the management had declared lockout on 29.06.1985. However, the appellant union herein, the petitioner in the aforesaid writ petition, gave it in writing to the management, expressing their willingness for the work and further, as per the letter, Ex.W.25, dated 17.09.1985, the workmen were ready to join work. Under Ex.W.11, the union has addressed the management regarding illegal lock-out. However, the management, first respondent herein, had imposed pre-conditions stating that the workmen should give individual undertakings, though the workmen were willing to report for work, without any pre-condition. When the workmen were ready and willing to join work, as per letter, Ex.W.25, dated 17.09.1985, the management, without considering the same issued Ex.W.26 notice on the same day. As per Ex.W.28, letter

dated 20.09.1985, Union's President asked the management for lifting the lock-out. As per Ex.W.38, letter, dated 22.11.1985, the union expressed the willingness of the workmen to join work.

...15. Considering all the materials and the case of both the parties, we concur with the view of the learned single Judge in the order, dated 03.11.2008 made in W.P.No.16499 of 1998, that there was illegal lock-out by the first respondent and the order dismissing the workmen is not legally sustainable. In such circumstance, we hold that the 18 workmen referred to in this writ appeal are also entitled to the relief granted to other workmen, as per the order, dated 03.11.2008 passed in W.P.No.16499 of 1998 by the learned single Judge. We are of the considered view that there is no specific allegation and materials available as against the 18 workmen referred to in the writ appeal. As held in the other case referred to, the workmen, who are denied work from the day they had expressed their willingness to report for work till the lock-out was lifted, they are entitled to 50% wages.

16. In the instant case, it is seen that by the impugned order, dated 31.03.1997, the learned single Judge, set aside the order passed by the second respondent and directed to take up the matter to his file and dispose the same. Since the material on record would speak volumes in favour of the workmen and since the matter is pending for about 25 years and sending the matter back to the Tribunal does not meet the ends of justice and further since the material placed on record would show that the 18 workmen referred to in the Writ Appeal are also entitled to similar relief as that of other workmen, we do not propose to remit the matter.

17. Accordingly, the relief granted in the order, dated 03.11.2008, passed in W.P.No.16499 of 1998 is just and reasonable and also applicable to the facts and circumstances of this case, we find it reasonable to direct the first respondent to extend the similar relief to the 18 other workmen who are also parties to the writ appeal. It is made clear that the workmen, who are denied work from the day they had expressed their willingness to report for work till the lockout was lifted are entitled for 50% of back wages."

16. Therefore, it is evident from the said order of the

Division Bench that similar benefit is extended to the 18 workmen, who were dismissed from service, like the relief granted to workmen in W.P.No.16499 of 1998. Consequently, it is apparent that these 18 workmen are not entitled to seek over and above the relief granted by the Division Bench in the above said writ appeal. It is seen that after the order was passed in W.P.No.16499 of 1998, the Union filed WMP No.457 of 2010, seeking to clarify the order already passed on 03.11.2008, by contending that the Writ Court by oversight did not mention the word "50% of the wages to the workmen who are denied from the day they had expressed their willingness to report for work till they are reinstated in service".

17. Perusal of the affidavit filed in support of the said miscellaneous petition would show that the contentions as raised in the present writ petition filed in respect of the 18 workmen are the contentions raised therein as well. The fact remains that no order was passed in the said miscellaneous petition, since the same was dismissed as not pressed, by order dated 31.01.2011.

18. Likewise, a Review Petition was filed in Rev.A.No.150 of 2010 to review the order made in W.A.No.1039 of 1998. The Division Bench by its order dated 07.02.2011, dismissed the said review by observing at paragraph 5 as follows:

"5. The order under review shows that the said order came to be passed only on the basis of the order dated 3.11.2008 passed in W.P.No.16499 of 1998 and after hearing the counsel on record for the parties. Now, it is pertinent to note that the counsel, who appeared for the appellant at that time, has not appeared today and the review petitioner is represented by some other counsel. This Court is of the view that after having changed the counsel, the order passed in the writ appeal is sought to be reviewed on the ground that by oversight, this Court has not granted full wages, is not justifiable. As already stated, since the order passed in the writ appeal was based on the order passed in W.P.No.16499 of 1998, this Court is not inclined to entertain the review application. In addition to that, the judgment in the writ appeal was passed on 6.1.2009, but nearly one year after the disposal of the writ appeal, the petitioner has chosen to file the present review application. Therefore, on both the grounds, this Court is not inclined to entertain the review application and accordingly, the same is dismissed. However, there

shall be no order as to costs."

19. Perusal of the above orders passed by this Court in W.P.No.16499 of 1998, Clarification petition in WMP No.457 of 2010, order passed in W.A.No.1034 of 1998 and order passed in Rev.Appln.No.150 of 2010, would undoubtedly show that the orders passed by the Labour Court in both the claim petitions, do not require any interference, as the said orders are absolutely inconsonance with the order/findings rendered by this Court in the abovesaid proceedings. These petitioners are trying to interpret the orders passed by this Court, more than what is stated therein to suit their convenience, even though they failed in such attempt by filing the modification petitions in W.P.No.16499 of 1998 and Rev.A.No.150 of 2010 in W.A.No.1039 of 1998. What would be the monetary benefits payable to these petitioners has already been considered and decided by this Court in the earlier proceedings as referred to supra. Needless to state that the petitioners are bound by those orders and thus not entitled to seek more relief than what is granted therein. Their computation petitions should also be in accordance with the relief granted by this Court and not beyond that. The Labour Court has rightly considered all these aspects and made the computation by following the earlier orders passed by this Court. I find no infirmity, illegality or perversity in the orders passed by the Labour Court. Therefore, I find that these writ petitions filed to reagitate the issue already decided, are totally devoid of merits and thus, they are liable to be dismissed. Accordingly, both the writ petitions are dismissed. No costs.

Sd/-
Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

vri/vsi

To

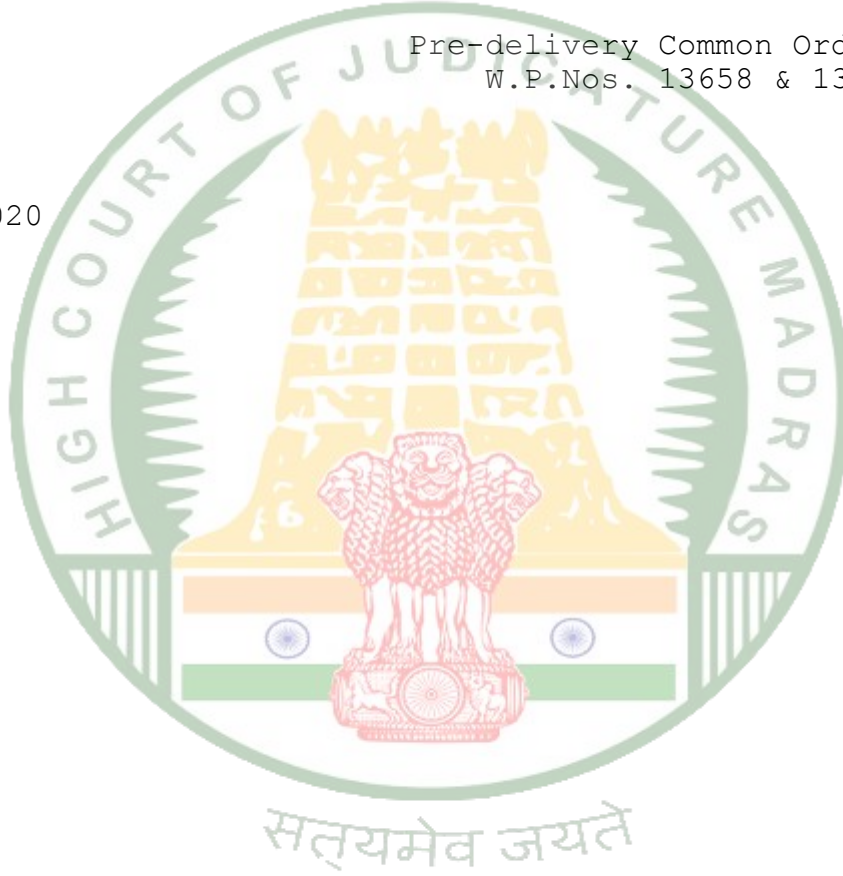
1. The Presiding Officer,
I Additional Labour Court,
Chennai - 600 104.

2. The Management of Vibromech
Engineers Limited,
Corporate Office, No.115, Industrial Estate,
Perungudi,
Chennai - 600 096.

+2 ccs to mr.K.Sudalikanu Advocate sr15628 &15629
+2 ccs to Mr.Anand Sashidharan Advocate sr15001 & 15002

Pre-delivery Common Order made in
W.P.Nos. 13658 & 13670 of 2016

pa(co)
aa17/03/2020



WEB COPY