



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **17.07.2020**

CORAM

THE HON'BLE MR.JUSTICE M.SATHYANARAYANAN

and

THE HON'BLE MR.JUSTICE P.RAJAMANICKAM

W.A(MD)No.480 of 2020

WEB COPY

- 1.Janaki
- 2.Jeyanthi
- 3.Silaiammai
- 4.Manimegalai

... Appellants / Petitioners

-Vs-

- 1.The Labour Court,
Trichy.

- 2.The Management,
Muthukumar Bankers,
118-B, Main Road,
Keelavaladi, Lalgudi Taluk,
Tiruchirapalli District.

... Respondents / Respondents

Prayer: Writ Appeal - filed under Clause 15 of the Letters Patent Act, to set aside the order dated 05.02.2020 passed in W.P(MD) No.9635 of 2013 by allowing this writ appeal.

Prayer in WP(MD). 9635/ 2013 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records relating to the order of the first respondent in Claim Petition No.17 of 2003 dated 13.07.2012 and quash the same and direct the 2nd respondent to pay a sum of Rs.98,996/- towards leave salary bonus over time salary payable to the eptitioners as legal representatives of deceased employees Chidambaram within theperiod stipulated by this Honoruable Court.

For Appellant : Mr.A.Haja Mohideen

JUDGMENT

[Judgment of the Court was delivered by **M. SATHYANARAYANAN, J.,**]

The appellants are the writ petitioners and they claimed to be legal heirs of a workman namely late.Chidambaram.

2. It is the case of the appellants that the husband of the first appellant herein was in services of the second respondent as
<https://hcmv.ecourts.gov.in/sevice> from 06.01.1993 and during the period of service, he



was paid with the salary of Rs.2,500/- per month. The second respondent during the course of employment of the first respondent's husband, also undertook to pay a sum of Rs.3,000/- per year towards bonus. Further, gave assurance to pay for the work performed by him in the weekly holidays, yearly holidays and leave for festival and other benefits. Due to unfortunate circumstances, the husband of the first appellant died on 19.05.2000 and despite the fact his death was brought to the knowledge of the second respondent management, they refused to settle the amount to the appellants and calculated the benefits payable to the deceased Chidambaram aggregating a sum of Rs.98,996/- and therefore, the appellants / writ petitioners filed a Claim Petition No.17 of 2003 before the labour Court at Trichirappalli.

3. The labour Court at Trichy had gone into the materials and found that the claim made by the appellants before the said forum, is not based on any award or settlement and therefore, held that the petition is not maintainable in law and granted them liberty to avail appropriate remedy before the proper forum if so advised.

4. Thereafter, the appellants had filed the writ petition making their claim under Section 33(C)(2) of the Industrial Disputes Act and prayed for quashment of the order of the first respondent Labour Court dated 13.07.20.2012 in Claim Petition No.17 of 2003 with a consequential prayer by directing the second respondent to pay a sum of Rs.98,996/- towards leave salary etc.

5. The learned Judge after taking note of Section 33(C)(2) of the Industrial Disputes Act 1947, found that the claim has not been computed on the basis of the award or settlement and since the claim raised by the writ petitioners have not been based on award or settlement found that the order impugned in the writ petition passed by the first respondent is sustainable and accordingly, dismissed the writ petition without costs.

6. The writ petitioners aggrieved by the order of dismissal of the writ petition had filed this writ appeal.

7. Mr.A.Haja Mohideen, the learned counsel appearing for the appellants would contend that the first appellant / writ petitioner is a home maker and not well-versed with the legal proceedings and even assuming for the sake of argument that they would approach the appropriate forum, the delay is nearly ten years and the appellants had also awaited for so long and they are in the stage of penurious and therefore, prays for appropriate relief in the peculiar circumstances of the present case.

8. This Court has paid its best and anxious consideration to



the arguments advanced by the learned counsel for the appellants.

9. As rightly found by the first respondent / labour Court, the claim of the appellants / writ petitioners is not based on any settlement or award and in the counter-affidavit of the management, they have raised serious dispute as to the status of the first appellant as well as the employment of late.Chidambaram.

10. In the light of the same, this Court is of the view that the first respondent as well as the learned Judge had rightly concluded that the said claim is not maintainable. Therefore, this Court is of the considered view that the impugned order dismissing the writ petition warrants no interference.

11. In the result, the writ appeal is dismissed confirming the order dated 05.02.2020 passed in W.P(MD)No.9635 of 2013. No Costs.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

pm/rmi

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The Judge, Labour Court,
Trichy.

2.The Management,
Muthukumar Bankers,
118-B, Main Road,
Keelavaladi, Lalgudi Taluk,
Tiruchirapalli District.

Order made in
W.A (MD) No.480 of 2020
17.07.2020

KM (05.08.2020) 3P 3C

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