



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 28.09.2021

PRONOUNCED ON : 29.10.2021

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.21421 of 2011

and

M.P.No.1 of 2011

M.Ravichandran

... Petitioner

Vs.

1.The Presiding Officer,
Labour Court,
Puducherry.

2.The Management of Sumangala Steels (P) Ltd.,
rep. by its Managing Director,
PIPDIC Industrial Estate,
Metupalayam, Puducherry.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari, calling for the records relating to the impugned Award in I.D.No.17 of 2000 dated 21.02.2011 passed by the first respondent and to quash the same insofar not awarding the normal relief of reinstatement with back wages, continuity of service and other benefits with effect from 04.12.1999.

For Petitioner : Mr.N.G.R.Prasad

for M/s.Row & Reddy

For Respondent :Mr.Anand Gopalan

No.2

for Mr.T.S.Gopalan & Co.

For R1

:Court

O R D E R

The present Writ Petition is heard through Video Conferencing on 28.09.2021.

2. The petitioner workman had joined the respondent Management as an Electrician in the year 1989 and his last drawn wages was Rs.1,340/-. Owing to financial crisis faced by the Management in the year 1997, the manufacturing operations were suspended, leading to an industrial dispute. By an order of



reference made on 27.07.2000, the dispute relating to 61 employees was taken up for adjudication. Pending the adjudication, the petitioner herein had secured employment in Srilanka and left. In the meantime, the Management and the Trade Union had arrived at a settlement under Section 18(1) of the Industrial Disputes Act, 1947 (hereinafter referred to as the "ID Act") in June 2001, whereby it was agreed that out of the 61 employees mentioned in the order of reference, only 16 workmen were under the direct payment of the Company. The petitioner was one among the 16 employees and since he was not residing in India, the Trade Union did not press his claim. However, it was agreed that he can make his claim on his return. After his return from Srilanka, the petitioner had reopened the original dispute, which led to the passing of the present impugned Award.

3. The Labour Court had placed reliance on various decisions of the Hon'ble Supreme Court for the proposition that when the settlement has been entered into by a majority of the workers, such a settlement should be presumed to be a fair and just, the same cannot be ignored merely because a small number of workers were not parties to it. In the present case, the petitioner herein originally intended to set aside the award itself. However, the Labour Court had permitted reopening of the dispute insofar as it relates to the petitioner alone.

4. The Labour Court was of the view that since the major dispute was settled by the majority workmen, who had also received the compensation, the terms cannot now be revisited, but on the other hand, the petitioner could be compensated monetarily. When the petitioner originally abandoned the dispute by reserving his right to make his claim at a later stage and the settlement was also arrived by majority of the workmen, the Labour Court was of the view that reinstatement with back wages and other benefits would not be appropriate. On the other hand, the Labour Court felt that monetary compensation of Rs.1,40,000/- to the petitioner would be reasonable. I do not find any reason to differ with such a finding. In my view, the payment of Rs.1,40,000/- in view of the relief of reinstatement and other benefits seems to be just and reasonable. Hence, I do not find any merits in the present Writ Petition. Accordingly, the Writ Petition stands dismissed. Consequently, the connected Miscellaneous Petition is closed. There shall be no orders as to costs.

Sd/-

Assistant Registrar(CS-IX)

//True Copy//

Sub Assistant Registrar



DP

To

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The Presiding Officer,
Labour Court, Puducherry.

+1cc to M/s.Row & Reddy, Advocate, S.R.No.56069

+1cc to M/s.T.S.Gopalan & Co, Advocate, S.R.No.56037

W.P.No.21421 of 2011

and

M.P.No.1 of 2011

GSM(CO)
CB(10/11/2021)