



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.12.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.No.20599 of 2018

and

W.M.P.No.24217 of 2018

- 1) The Superintending Engineer,
Tiruvannamalai Electricity Distribution Circle,
Tamil Nadu Electricity Board,
Tiruvannamalai, T.V.Malai District.
- 2) The Chief Engineer / Personnel,
Tamil nadu Generation and Distribution
Corporation Limited,
No.144, Anna Salai, Chennai 600 002

... Petitioners

vs.

M.M.Elumalai (Expired)

- 1) E.Palani
- 2) E.Settu
- 3) E.Velu
- 4) E.Raghu

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari, calling for the records of the Presiding Officer (FAC), Additional Labour Court, Vellore District in his proceeding dated 27.05.2016 in C.P.No.288 of 2014 and quash the same.

For Petitioners : Mr.P.Subramanian,
Standing Counsel

For Respondents : Mr.R.D.Ashok Kumar,
For Mr.S.N.Ravichandran

O R D E R

When Mr.M.M.Elumalai, erstwhile workman of Tamil Nadu Electricity Board had raised a dispute in I.D.No.26/98 challenging the termination order dated 28.05.1997, the Labour



Court had passed an Award directing the reinstatement along with continuity of services, backwages and attendant benefits. The petitioner herein / Management had challenged the said Award before this Court in W.P.No.23573 of 2002 which came to be dismissed for default on 09.09.2011. The restoration petition filed against the said order by the Management was also dismissed on 27.08.2013. Thereafter, the petitioners herein had not chosen to challenge the order of this Court and thus, the Award of reinstatement together with monetary benefits has become final. It is in this factual background, the workman had originally filed the claim petition in C.P.No.32 of 2012 for the period between June 1997 to February 2012 and the Board had paid a sum of Rs.15,81,104/- to the workman on 01.04.2014.

2. Subsequently, the workman had filed another claim petition in C.P.No.288 of 2014 before the Additional Labour Court, Vellore, seeking for computation of backwages for the period from 01.03.2012 to 31.05.2013. Pending this claim petition, the workman expired on 09.11.2014 and the respondents 1 to 4 herein were substituted therein. The claim petition came to be allowed on 27.05.2016 directing the Board to pay the arrears of salary due to the late workman for the period between 01.03.2012 to 31.05.2013 being the Gratuity, Special Provident Fund and Family Benefit fund alone.

3. It is not in dispute that the original Award of the Labour Court passed in I.D.No.26 of 1998 dated 03.10.2001 has become final. The grounds raised in the present writ petition touches upon the merits of the claim made by the workman in the original dispute. The learned counsel for the Board would also submit that the deceased workman would not be entitled for the monetary benefits on the ground of "no work no pay".

4. I am not in agreement with such a ground raised in the present writ petition for the simple fact that these were the grounds available to the Board to have been raised while challenging the Award. When the Award itself has become final, it is not now open to the Board to raise such grounds challenging the merits of the Industrial Dispute in the present writ petition which challenges an order passed in the claim petition. Thus, I do not find any merits in the present writ petition at all.

5. It is rather unfortunate that though the Award of the Labour Court came to be passed way back in 27.05.2016 and the workman had also expired during the pendency of the claim petition, the Management had neither chosen to challenge the Award by way of a Writ Appeal or pay the amount awarded in the claim petition to the legal heirs. As such, this Court is of the view that, imposition of interest on the amount ordered by the



Labour Court in the impugned claim petition, would secure the ends of justice.

6. In the light of the above observations, the Writ Petition stands Dismissed. Consequently, there shall be a direction to the petitioners herein to pay the entire amount computed by the Labour Court in the Award passed in C.P.No.288 of 2014 for the period between 01.03.2012 to 31.05.2013 together with interest at the rate of 6% per annum to the respondents 1 to 4 herein, atleast within a period of six(06) weeks from the date of receipt of a copy of this order. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

sts/ ata

To:

The Presiding Officer (FAC),
Additional Labour Court,
Vellore District.

+1cc to M/s.P.Subramanian, Advocate, S.R.No.64010

+1cc to M/s.S.N.Ravichandran, Advocate, S.R.No.63933

W.P.No.20599 of 2018

KSM(CO)
SU(10/12/2021)