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IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 10.08.2021

PRONOUNCED ON : 20.10.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.NO.31802 OF 2004

AND

W.M.P.NO.38530 OF 2004

1. The Superintending Engineer,
Dharmapuri Electricity Distribution Circle,
Tamil Nadu Electricity Board,
Dharmapuri.
2. The Chief Engineer/Personnel,
TNEB, NPKRR Maaligai,
800, Anna Salai, Chennai-2. ... Petitioners

.Vs.

1. The Presiding Officer,
Labour Court,
Salem.
2. N.Kanagaraj
3. M.Balamurugan ... 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 of the first respondent relating to its Award dated 29.04.2004 and made in C.P.No.269 of 2003 and to quash the same as illegal and without jurisdiction.

For Petitioner : Mr.P.Subramanian
Standing Counsel

For Respondents : No Appearance



O R D E R

The present Writ Petition is heard through Video Conferencing on 10.08.2021.

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2. The respondents 2 and 3 herein had completed 5 years of service as on 30.06.1995 and 31.07.1996 respectively. Based on the Board Regulations, both these respondents would be entitled for Diwali bonus from the completion of five years period onwards. It is on this basis that the Labour Court had computed their applications under Section 33C(2) of the Industrial Disputes Act, 1947 and held that the second respondent would be entitled for a sum of Rs.2,250/- and the third respondent for Rs.2,050/- towards bonus for the corresponding years. Since the Labour Court had computed these amounts on the basis of the Board Regulations and had also found that these respondents were entitled for receiving such bonus, I do not find any infirmity in the Award.

3. The Tamil Nadu Electricity Board had taken a stand in paragraph 2 of the counter affidavit filed in the Computation Petition that these respondents are attempting to "exploit" the Government money/Board money, by filing the Computation Petitions. On the other hand, it is rather unfortunate that the Board had chosen to challenge the meager amounts of Rs.2,250/- and Rs.2,050/- by way of filing a Writ Petition. This decision to challenge the Award of the Labour Court and the expenses involved in filing of such a Writ Petition, could be termed as an "exploitation" of the Board money only. This Court does not wish to comment any further on such a decision taken, but would only hope that the public money should not be wasted on such frivolous litigations in future.

4. In the result, there are no merits in the Writ Petition. Accordingly, the Writ Petition stands dismissed with a cost of Rs.25,000/- payable to the second respondent and another sum of Rs.25,000/- to the third respondent, atleast within a period of two weeks from the date of receipt of a copy of this order. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

DP



To

1. The Presiding Officer,
Labour Court, Salem.
2. The Superintending Engineer,
Dharmapuri Electricity Distribution Circle,
Tamil Nadu Electricity Board,
Dharmapuri.

(With direction for costs, as stated within)

3. The Chief Engineer/Personnel,
TNEB, NPKRR Maaligai,
800, Anna Salai, Chennai-2.

(With direction for costs, as stated within)

+1cc to Mr.P.Subramanian, Advocate, S.R.No.53839

W.P.No.31802 of 2004
and
W.M.P.No.38530 of 2004

GPL (CO)
PM/01/11/2021