



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:17.02.2021

CORAM:

THE HONOURABLE **MR.JUSTICE M.DHANDAPANI**

W.P. (MD)No.3016 of 2012

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M.Sabbiar

... Petitioner

Vs.

1.The Management
Sri Ganapathi Roadways
Tirunelveli.

2.The Presiding Officer,
Labour Court,
Tirunelveli.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records in C.P.No.8 of 2008 on the file of the 2nd respondent dated 19.09.2011, quash the same further directing the 1st respondent to pay all monetary benefits upto the date of award in I.D.O.P.No.68 of 2002, dated 16.07.2007.

For Petitioner : Mr.S.Kumar
for Mr.K.Sudalaimuthu
For R1 : Mr.C.Sankar Prakash

ORDER

This writ petition is filed challenging the order, dated 19.09.2011, passed by the second respondent in C.P.No.8 of 2008 and quash the same and further direct the first respondent to pay all the monetary benefits upto the date of award passed in I.D.O.P.No.68 of 2002.

2.The case of the petitioner is that since the first respondent retrenched the petitioner from service, he has raised an industrial dispute in I.D.O.P.No.68 of 2002 before the second respondent. The second respondent, on 16.07.2007, has passed an award holding that the petitioner is entitled to get all monetary benefits from the date of his appointment till the date of retrenchment. Pursuant to which, the petitioner has filed C.P.No.8 of 2008 before the second respondent claiming Rs.4,02,544.74/- under various heads, as due. The petitioner has received a sum of Rs.50,302.30/- and after deduction of that amount, he claims a sum of Rs.3,52,242/-. Further, the petitioner has averred that originally the first respondent Management was owned by one Papammal and after her death, her legal



heirs viz., Lakshmi and Gandhimathi bifurcated the said establishment and the petitioner was working under Gandhimathi from 01.07.1991 onwards. Due to financial crisis, the first respondent Management could not run successfully. Hence, the retrenchment action was taken and compensation was also paid to all the retrenched employees, who have filed a writ petition in W.P.NO.10781 of 2008, against the award passed in I.D.O.P.No.68 of 2002 and the same is pending for adjudication. Thereafter, the second respondent, by order dated 19.09.2011, dismissed the claim petition stating that the petitioner is entitled to get monetary benefits only upto the date of retrenchment. Aggrieved over the same, the present writ petition is filed.

3.On the side of the petitioner, no witness was examined and documents Ex.P.1 to Ex.P.6 were marked and on behalf of first respondent Management, no witness was examined and no documents were marked.

4.After analysing oral and documentary evidence, the Labour Court has arrived at a conclusion that the petitioner is entitled to get monetary benefits from 01.09.1987 to 31.10.2001 and he is not entitled to claim any monetary benefits after the date of retrenchment.

5.The learned counsel appearing for the petitioner submitted that the award passed in I.D.O.P.No.68 of 2002 was challenged before this Court by way of filing the writ petition and the same is pending for adjudication. However, the petitioner claimed monetary benefits through claim petition, but, the Labour Court has failed to calculate the claim made by the petitioner and mechanically rejected the said claim petition. Hence, he prays for allowing the present Writ Petition.

6.Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the first respondent and perused the materials available on record.

7.The facts in the present case are not in dispute. Admittedly, the petitioner has filed the claim petition before the second respondent, based on the award passed in I.D.O.P.No.68 of 2002. It is also not in dispute that I.D.O.P.No.68 of 2002 was challenged before this Court by way of filing the writ petition in W.P.No.10781 of 2008 and the same is pending. Further, the award passed by the Labour Court makes it clear that the petitioner can claim the monetary benefits only from 01.09.1987 to 31.10.2001. Accordingly, the petitioner is entitled to get monetary benefits from the date of appointment till the date of retrenchment. Therefore, the claim of the petitioner is misconceived and he is entitled to claim monetary benefits only till the date of retrenchment and cannot claim any monetary benefits after the date of retrenchment. Hence, the order of the first respondent cannot be interfered with. Accordingly,



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this Writ Petition is dismissed. No costs.

Sd/-

Assistant Registrar (AE)

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Sub Assistant Registrar (CS)

To

The Presiding Officer,
Labour Court,
Tirunelveli.

+1 CC to M/s.C.SANKAR PRAKASH, Advocate (SR-6016[F] dated
18/02/2021)

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KB(18.06.2021) 3P 3C