



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.03.2022

CORAM

THE HON'BLE MR.JUSTICE M.S.RAMESH

W.P.NO.30883 OF 2004

AND

W.P.M.P.NOS.37414 & 46726 OF 2004

The Forest Ranger,
Forest Range Office,
Vellore Crash Plantation Project,
Vellore - 1.

... Petitioner

.Vs.

1. D.Bakthavatsalam
2. The Presiding Officer,
Labour Court,
Vellore.
(R2 given up)

... Respondents

PRAYER:- Writ Petition filed Under Article 226 of the Constitution of India, praying to issue a writ of certiorari, to call for the records of the second respondent passed in C.P.No.427 of 2000, dated 23.08.2004 and quash the same.

For Petitioner : Mr.E.Vijay Anand
Additional Government Pleader

For Respondents : No appearance for R1

R2 - Court

O R D E R

The first respondent raised an Industrial dispute in I.D.No.81 of 1992, before the Labour Court, Vellore, challenging his termination from the services of the petitioner/Plantation. Through an Award dated 23.04.1993, the Labour Court directed to reinstate the first respondent into service together with back wages. The petitioner had challenged the said Award through the writ petitions in W.P.Nos.19254 & 19311 of 1993, which was



dismissed on 08.11.1997. The Writ Appeals filed by the petitioner in W.A.Nos. 610 & 611 of 1995 was also rejected on 30.06.1995. However, the back wages ordered by the Labour Court was reduced to 50%. The order in Writ Appeals had become final. In accordance with the Award of the Labour Court, the first respondent herein, had filed application under Section 33-C (2) of the Industrial Disputes Act, 1952, before the Labour Court for computing the back wages from the date of his dismissal till the date of his reinstatement. The Labour Court had taken into account of the Award and computed the back wages at Rs.80,274/-. This order of computation is put under challenge in the present writ petition.

2. When the Award of the Labour Court passed in the Industrial Dispute had attained finality, the consequential computation made pursuant to the direction to pay 50% of the back wages, cannot be questioned in a writ petition, unless there is any error in the calculation in connection with the consideration of the period of the back wages or the percentage of the back wages. None of the grounds raised by the first respondent herein, questions such computation. On the other hand, the grounds raised by the learned counsel for the petitioner seems to be touching upon the merits of the claim made in the Industrial Dispute, which is not permissible in a writ petition challenging an order passed under Section 33-C (2).

3. Insofar as the grounds raising the question of quantum of computation, this Court in exercise of its powers under Article 226 of the Constitution of India, will not be empowered to revisit the evidences touching upon such computation.

4. As such, I do not find any merits in the present writ petition. Accordingly, this Writ Petition stands dismissed. Consequently, there shall be a direction to the petitioner herein, to forthwith disburse the amount computed through the impugned order passed in C.P.No.427 of 2000 dated 23.08.2004, within a period of twelve (12) weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

Pns



To

The Forest Ranger,
Forest Range Office,
Vellore Crash Plantation Project,
Vellore - 1.

+1cc to the Special Government Pleader (Forest), S.R.No.13926

W.P.NO.30883 OF 2004 AND
W.P.M.P.NOS.37414 & 46726 OF 2004

SSV(CO)
PBS/18/03/2022