



W.P. No.15096 of 2005

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.10.2022

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

W.P. No.15096 of 2005 and W.P.M.P. 25496 of 2005

Management of Sir Ramaswamy
Mudaliar Higher Secondary School,
Ambattur, Chennai-600 053,
rep. by its Head Master A.M.Abdul Jabbar

.. Petitioner

Vs

1.Thirumangai

2.First Additional Labour Court,
High Court Campus,
Chennai-600 104.

.. Respondents

Prayer: Writ petition 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 dated 25.11.2004 passed by the second respondent in I.D. No.617 of 1997 and quash the same.

For Petitioner : Mr.S.Thankasivan

For Respondents : Mr.S.Kumaraswamy for R1

ORDER

Challenging the non employment of the first respondent herein, a dispute was raised in I.D. No.617 of 1997 before the I Additional Labour Court, Chennai and by Award dated 25.11.2004, the first



W.P. No.15096 of 2005

respondent was directed to be re-instated into service with continuity of service, full back wages and other attendant benefits. The Management has challenged this Award in the present writ petition.

2. Pending this writ petition, an interim order came to be passed in W.P.M.P. Nos.25496 and 16385 of 2005 and W.V.M.P. No.1600 of 2005 in W.P. No.15096 of 2005 dated 10.11.2006 in the following manner:

'2.It is represented by the learned counsel appearing for the first respondent, that the Management has deposited a total amount of Rs.71,250/- which according to the Management was the back wages payable to the first respondent. In view of such deposit having already been made by the petitioner-Management, the interim stay is made absolute subject to the first respondent being permitted to withdraw 50% of the amount already deposited with the I Additional Labour Court, Chennai. The balance 50% shall be kept in Fixed Deposit in any one of the Nationalised Banks initially for a period of three years renewable thereafter and the first respondent is entitled to withdraw the interest accruing on the said amount once in six months.

3.Mr.K.M.Ramesh, learned counsel appearing for the first respondent submitted that there is a dispute with regard to the total amount of back wages to be deposited



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W.P. No.15096 of 2005

by the petitioner. If that be so, the first respondent is entitled to workout her remedies by filing necessary petition under Section 33(c)(2) of the Industrial Disputes Act. Therefore, the order of interim stay already granted on 29.04.2005 is restricted to the enforcement of the back wages alone, giving liberty to the first respondent to work out her remedies before the I Additional Labour Court, Chennai, for the purpose of quantifying the actual amount of back wages payable to her. If the petitioner gets an order passed by the I Additional Labour Court, Chennai, quantifying the amount of back wages payable to her, such orders shall not be given effect to till the final disposal of the writ petition. Therefore, WPMP No.16385 and WVMP No.1600 of 2005 are closed.

4.In so far as the petition in WPMP No.25496 of 2005 filed under Section 17-B of the Industrial Disputes Act is concerned, it is stated that the petitioner has already crossed the age of 58 years. Therefore the question of issuing a direction under Section 17-B from the date of her reaching the age of superannuation does not arise. However, from the date of filing the writ petition upto the date of first respondent reaching superannuation, she is entitled for last drawn wages and the said amount shall be paid to her, by the petitioner, within a period of four weeks from the date of receipt or production of a copy of this order.'



W.P. No.15096 of 2005

3.It is now stated by the learned counsel for the Management that 50% of the back wages have been deposited to the credit of I.D. No.617 of 1997 before the I Additional Labour Court, Chennai and the remaining back wages have been paid in full including the last drawn wages under Section 17-B of the Industrial Disputes Act 1947 till the date of first respondent's superannuation.

4.As such no interference is required to the Award of the Labour Court and accordingly, the Award in I.D. No.617 of 1997 dated 25.11.2004 is confirmed.

5.At this juncture, the learned counsel for the first respondent submitted that the back wages have not been paid in full and they still have a claim.

6.If that be so, liberty is hereby granted to the first respondent to file an Application under Section 33(c)(2) of the Industrial Disputes Act before the concerned Labour Court seeking back wages and other monetary benefits, within a period of two months from the date of receipt of a copy of this order. This writ petition stands ordered



W.P. No.15096 of 2005

accordingly. Consequently, W.P.M.P. 25496 of 2005 stands closed. No costs.

WEB COPY

27.10.2022

vga
Index : Yes

To

First Additional Labour Court,
High Court Campus,
Chennai-600 104.



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W.P. No.15096 of 2005

M.S.RAMESH,J.

vga

W.P. No.15096 of 2005 and W.P.M.P. 25496 of 2005

27.10.2022