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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.03.2022

CORAM

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.NO.38830 OF 2004

AND

WPMP.NO.46397 OF 2004, WVMP.NO.2055 OF 2005 &
WPMP.NO.32009 OF 2005

The Management,
Forest Range Office,
Gingee Range, Gingee

...Petitioner

Vs.

- 1.Andal
- 2.Sankar (Minor)
- 3.Uameheswari (Minor)
- 4.Sudha (Minor)

[Respondents 1 to 4 are rep. by
their Power of Attorney
T.R.Ramnath 153, Tiruvannamalai
Road, Gingee - 604202.]

- 5.The Presiding Officer,
Labour Court, Cuddalore.

...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 5th respondent namely the Labour Court,
Cuddalore, passed in C.P.No.285 of 2000, dated 16.08.2004 and
quash the same.

For Petitioner : Mr.T.Arun Kumar
Additional Government Pleader (Forest)

For Respondents : Mr.K.M.Ramesh [for R1 to R4]
R5 - Court

ORDER

By an Award dated 31.07.1996 passed in I.D.No.12 of 1996,
the Labour Court, Cuddalore, had directed the
petitioner/Management to reinstate the employee namely
K.Ramachandran, together with continuity of service, back wages



and other attendant benefits. The employee had subsequently expired and the respondents 1 to 4 are his legal heirs. The respondents 2 to 4 herein had filed an application under Section 33-C(2) of the Industrial Disputes Act, seeking for the monetary benefits under the Award and by an order dated 16.08.2004, these monetary benefits were computed to the tune of Rs.1,18,146.20. Admittedly, the petitioner/Management had filed an application before the Labour Court, seeking to set aside the exparte Award passed in I.D.No.12 of 1996, which was dismissed and was not challenged by them thereafter. As such, the Award of the Labour Court had become final.

2. The learned Additional Government Pleader (Forest) appearing for the petitioner attempted to submit that the late employee will not be entitled for the payment of dearness allowance since he was engaged as a daily wages worker. When the entitlement of the late employee requires to be raised as a ground before the Labour Court in the Industrial Dispute which they have failed, it is not now open to the petitioner to raise such grounds touching upon the merits of the Industrial Dispute.

3. When the Labour Court had ordered for continuity of service, back wages and other attendant benefits, the petitioner/Management is bound to disburse the same in accordance with the computation made in the impugned order passed under Section 33-C(2). As such, I do not find any infirmity in the impugned order. In view of an interim order passed by this Court, it is stated that the sum of Rs.1,18,146/- computed under the impugned order, has been deposited by the petitioner/Management before the Labour Court, Cuddalore on 19.12.2005. Since the impugned order has not been found fault with, the respondents 2 to 4 would be entitled for withdrawing the same.

4. In the light of the above observation, this Writ Petition stands dismissed. The respondents 2 to 4 herein are granted liberty to file an application before the Labour Court, Cuddalore, seeking for withdrawal of the amount lying in the deposit account of C.P.No.285 of 2000 and on receipt of such application, the Labour Court shall endeavor to pass orders, permitting them to withdraw the amount, within a period of one week from the date of receipt of a copy of such application. No costs. Connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CO)

// True Copy //

Sub Assistant Registrar

Sni



To

The Presiding Officer,
Labour Court, Cuddalore.

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+1cc to Mr.K.M.Ramesh, Advocate, S.R.No.15392

+1cc to the Special Government Pleader (Forest) Sr.No.15950

W.P.No.38830 of 2004

GPL (CO)

RVM(28/03/2022)