



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.03.2022

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

AND

THE HONOURABLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

W.A.NO.2 OF 2017

AGAINST

W.P.NO.8346 OF 2005

The workmen employed in
Padma Seshadri Bala Bhavan
Senior Secondary School,
Chennai,
Rep. By its President,
Southern Employees Association,
No.6, Thomas Nagar,
Little Mount,
Chennai - 15.

... Appellant/Petitioner

Versus

1. The Management of Padma Seshadri
Bala Bhavan Senior Secondary School,
No.7, Lake First Main Road,
Nungambakkam, Chennai - 34.
2. The Presiding Officer,
Principal Labour Court,
City Civil Court Buildings,
Chennai - 1.

... Respondents/Respondents

PRAYER:-

Writ Appeal has been filed under Section 15 of Letter of Patent against the order dated 30.04.2015 passed in W.P.No.8346 of 2005 by the learned Single Judge.

PRAYER IN W.P.NO.8346 OF 2005:-

This Writ Petition is filed under Article 226 of Constitution of India praying for a issuance of Certiorarified Mandamus calling for records from the second respondent Labour



Court relating to the award dated 12.04.2004 in ID No.655/1997 quash the same and consequently direct the first respondent to grant the monetary benefits of the demands referred for adjudication by the Government of Tamil Nadu G.O.(D) No.932 Labour & Employment Department (A2) dated 17.10.1997 with effect from 01.01.1996 together with interest at 10% p.a.

For Appellant : Mr.R.Rajaram
For R1 : Mr.Prahalad Bhat
For Mr.R.Parthasarathy
For R2 : Court

JUDGMENT

(Judgment of the Court was delivered by T.RAJA, J.)

The workmen employed in Padma Seshadri Bala Bhavan Senior Secondary School have filed the present appeal against the impugned order passed by the learned Single Judge in W.P.No.8346 of 2005, dated 30.04.2015, in and by which, learned Single Judge refused to accept the claim of the appellant association for certain monetary benefits as per G.O.(D).No.932, Labour and Employment (A2) Department, dated 17.10.1997, with effect from 01.01.1996 together with interest at 10% p.a.

2. When the matter is taken up, Mr.R.Rajaram, learned counsel for the appellant association, placed two-fold submissions; (a) as defined in Section 2k of the Industrial Disputes Act, 1947, the Schools and Colleges in respect of non-Teaching staff would fall under the definition of 'Industry' and therefore, the first respondent management, which is running Padma Seshadri Bala Bhavan Senior Secondary School, also would fall under the definition of Industry. However, learned Single Judge overlooking the said fact has wrongly dismissed the writ petition. (b) Secondly, when a claim was made by the appellant association seeking revision of their salary on par with the State Government employees from the year 1996 onwards, pending industrial dispute before the Labour Court, the first respondent management entered into a Memorandum of Agreement with the workmen on 20.04.2000 under Section 18(1) of the Act agreeing to revise their salary from 1998, as a result, members of the appellant association have lost the benefit of revision of 2 years.



3. In reply, Mr.Prahalad Bhat, learned counsel for the first respondent management, fairly conceding the fact that the first respondent management is an industry with regard to non-teaching staffs, submitted that the prayer sought for by the appellant association has become infructuous long time ago, for, with regard to non-teaching staffs, the first respondent management has entered into a settlement under Section 18(1) of the Act with the appellant association for revision of their pay on par with the teaching staffs working in the Government Schools with effect from 1998, therefore, nothing survives in this matter for further adjudication.

4. In view of the above, considering the fact that the school run by the first respondent management is an industry in respect of non-teaching staffs as conceded by the learned counsel for the first respondent management, and also considering the fact that all the members of the appellant association signing the settlement reached under Section 18(1) of the Act on 20.04.2000 for revision of pay received the consequential benefits, we do not wish to proceed further in this matter as nothing survives for further adjudication. On this count, the writ appeal stands disposed of. No Costs.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

rkm

To

The Presiding Officer,
Principal Labour Court,
City Civil Court Buildings,
Chennai - 1.

+1cc to Mr.R.Parthasarathy, Advocate, S.R.No.19091

W.A.NO.2 OF 2017

RR(CO)
PBS/07/04/2022