



W.P.Nos.10251 to 10259 of 2009

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.08.2023

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.Nos.10251 to 10259 of 2009 and
MP.Nos.1 of 2009 (8 Nos.)

WP.No.10251 of 2009

K.Iraivan

... Petitioner

Vs.

1.The Presiding Officer,
Principal Labour Court,
Chennai

2.The Management of South India
Sugars Ltd.,
Mundiambakkam Post,
Villupuram District 605 601

3.The Management of South India
Corporation (Agencies) Ltd.,
73, Armenian Street,
Chennai 600 001

... Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India praying to issue Writ of Certiorarified Mandamus calling for the records related to the impugned award dated 31.03.2008 made in ID.No.745 of 2002 by the Principal Labour Court, Chennai the first respondent and quash the same and direct the second and third



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respondents to reinstate the petitioner in service with continuity of service and backwages.

For Petitioner
in all WP's : Mr.K.V.Anantha Krishnan

For Respondents
For R3
in all WP's : Mr.G.Thiagarajan

R1
in all WP's : Court

For R2
in all WP's : No appearance

COMMON ORDER

These writ petitions have been filed challenging the common award passed in ID.Nos.745 to 752 & 754 of 2002 by the first respondent, thereby dismissed the Industrial Disputes raised by the petitioners to reinstate them in service with continuity of service and backwages.

2. The learned counsel for the petitioners would submit that the petitioners joined in the service from the year 1981, 1990, 1993 and 1994



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respectively. On 20.08.2001, they called for strike . When the petitioners reported duty on 30.08.2021, they were denied employment and they were retrenched from service. However, the Revenue Divisional Officer directed the management to reinstate the casual labourers who discharged duty continuously for 600 days between 01.04.1998 to 31.05.2001. Totally 75 workmen were identified as persons who have put in more than 600 days of continuous service. 41 workmen were reinstated. The 34 workmen who were reinstated, were paid lumpsum compensation. Out of 34 workmen, 26 workmen received compensation and 10 workmen refused to receive the compensation and raised dispute before the Deputy Commissioner of Labour. It was failed and referred to Industrial Tribunal. He would further submit that the compensation already offered in the Revenue Divisional Officer's proceedings was rejected by the petitioners and even before the Conciliation Officer, they did not agree. Further, the Revenue Divisional officer is not the statutory authority to enter into any settlement to contract out the statutory provisions in violation of Section 25(H) and Rule 77 and 88 of Industrial Disputes Act. He further submitted that when the management had absorbed juniors to



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the petitioners and denied employment to the petitioners, it is violation of Section 25(H) of Industrial Disputes Act. That apart, even after award, compensation amount was not paid to the petitioners so far.

3. Heard, the learned counsel appearing on either side.

4. The petitioners were employed by the third respondent and were working under the second respondent. However, their employment was not confirmed and they were denied the statutory benefits. Therefore, they called for strike from 20.08.2001 to 22.08.2001. Thereafter, they reported duty on 30.08.2001. However, they were denied employment on the ground that they were retrenched from service. Therefore, they raised Industrial Disputes on the ground that it is violation of provision under Section 25(H) of the Industrial Disputes Act read with Rules 62 & 63 of Tamilnadu Industrial Disputes Rules. They were not paid retrenchment compensation at the time of their termination.

5. On perusal of documents, revealed that all the petitioners were engaged as Casual Workman. They formed a group and made a



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demand to consider them for permanent employment. They also carried on agitation which led to law and order issue. Therefore, the Revenue Divisional Officer intervened and resolved the issue. In fact, as per their memorandum of understanding entered before the Revenue Divisional Officer by the respondents and the workmen, thereby those who worked for 600 days and more during the period from 01.04.1998 to 31.05.2001 would be considered for relief. 75 seasonal casual workers were found to have worked for 600 days during the said period and among the 75 workmen, it was agreed that 41 would be taken on regular rolls and remaining 34 workmen would be given lumpsum compensation of Rs.10,000/- each. While out of 34 casual workers, 26 of them received compensation of Rs.10,000/- and remaining demanded employment and refused to take compensation. Though they were offered higher compensation, they refused to agree for the same. Therefore, again on 20.08.2002, the Deputy Commissioner of Labour, after discussions with the Union, transferor and transferee agreed on the following terms:

i) Such of those workmen, who were covered by the terms of the understanding dated 22.08.2001, will not be entitled to any further relief.



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ii) Since of those seasonal casual workmen, who had worked for more than 500, but less than 600 days during the period 01.04.1998 to 31.05.2001 will be paid a compensation of Rs. 10,000/-

iii) Such of those seasonal casual workmen who had worked for less than 500 days during the period 01.04.1998 to 31.05.2001 will be paid a compensation of Rs. 8,000/-.

iv) With regard to 17 workmen, for whom there were no records to show that they has worked after 01.04.1998 would be paid a compensation of Rs. 3,000/- (this was later enhanced to Rs.4000.00).

6. However, 10 workmen had worked for more than 600 days during 01.04.1998 to 31.05.2001 and two seasonal casual workmen who worked for less than 600 days during the relevant period were entitled to compensation in terms of the agreement dated 20.08.2002. However, they refused to receive the same and raised Industrial Disputes under Section 2A of Industrial Disputes Act. The Labour Court enhanced the compensation amount from Rs.10,000/- to Rs.20,000/-. Some of the workmen received compensation and without satisfying with the award,



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the petitioners herein have challenge the award in these writ petitions.

Admittedly, the petitioners were the members under the said memorandum of understanding dated 20.08.2002 entered before Deputy Commissioner of Labour. That apart, they were all Seasonal Casual workmen and as such, they are not entitled in law to seek employment or enhancement of compensation more than what was collectively agreed as per the memorandum dated 20.08.2002. In fact, during the meeting Revenue Divisional Officer, Senior Revenue Authority, Inspector of police, Tahsildar, Deputy Tahsildar, Revenue Inspector and Village Administrative Officer were present and in their presence, memorandum of understanding was executed. Therefore, this Court finds no infirmity or illegality in the orders passed by the Labour Court. As such, the writ petitions are devoid of merits.

7. Accordingly, all the writ petitions are dismissed. However, so far the management did not pay compensation. Therefore, the petitioners are entitled for interest from the date of the award till the date of payment. Accordingly, the management shall deposit the compensation



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with interest at the rate of 6% before the first respondent forthwith. On such deposit, the petitioners are permitted to withdraw the same. Consequently, connected miscellaneous petitions are closed. There shall be no order as to costs.

16.08.2023
(2/2)

Internet: Yes
Index: Yes/No
Speaking/Non-speaking order
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G.K.ILANTHIRAIYAN, J.

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4. The Government Advocate,
High Court, Madras.

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