



W.P.No.22297 of 2009

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.03.2023

CORAM :

**THE HONOURABLE MR. JUSTICE J.SATHYA NARAYANA PRASAD**

**Writ Petition No.22297 of 2009**  
**and M.P.No.1 of 2009**

Nirvagam,  
Senthilnathan Spinning Mills,  
Adiyaman Kottai,  
Dharmapuri.

... Petitioner

Vs.

1.The Presiding Officer,  
Industrial Tribunal,  
Chennai – 600 104.

2.The Workmen represented by  
Seyalalar,  
Dahrmapuri Mavatta Dravida  
Panchalai Thozhilalar Munnetra  
Sangam,  
Adiyaman Kottai,  
Nallampalli, Dharmapuri.

... Respondents

Writ Petition filed under Article 226 of Constitution of India, praying for issuance of Writ of Certiorari calling for the records in I.D.No.58 of 2004 on the file of the Industrial Tribunal, Chennai-104 and quash the award dated 16.12.2008.



W.P.No.22297 of 2009

WEB COPY

For Petitioner : Mr.M.R.Raghavan  
For Respondent 1 : Tribunal  
For Respondent 2 : Mr.P.Chandrasekaran

### **ORDER**

The relief sought by the petitioner in this writ petition is to call for the records in I.D.No.58 of 2004 on the file of the Industrial Tribunal, Chennai-104 and quash the award dated 16.12.2008.

#### **2. Facts of the case in a nutshell:**

The case of the petitioner is that the second respondent/Union has raised an Industrial Dispute as against the petitioner/management seeking 20% bonus and 20% ex-gratia for the year 2002-2003 by filing I.D.No.58 of 2004 before the first respondent/Tribunal. Subsequently, a counter statement was filed by the petitioner/management stating that bonus was paid at 8.33% on the profit and the same was received by the second respondent/Union then. After perusing the materials placed before the first



respondent/Tribunal, passed an award dated 16.12.2008, holding that the second respondent/Union is entitled to get another 8.33% on the profit of the year 2002-2003. For better appreciation, the relevant paragraph is extracted hereunder:

*19. It is pertinent to note that the Management has not shown any Income-tax details and they have not discharged their burden to the satisfaction of the Court. As per Section 4 of the Payment of Bonus Act, 1965, the calculation has to be made as per Second Schedule. Under these circumstances I am of the view that workers have established that there was allocable surplus available atleast the workers be paid yet another 8.33% on the profit will meet the ends of justice. Therefore, the workers are entitled yet another 8.33% as Bonus on profit for the year 2002-2003.*

Challenging the said award dated 16.12.2008, the petitioner/management has filed this present writ petition.

3. When the matter was taken up for hearing, learned counsel for the petitioner submitted that this Court granted order of interim stay dated 02.11.2009 on condition that the petitioner/management shall deposit 50% of the award amount to the credit of the Industrial Tribunal, Chennai in I.D.No.58 of 2004, within a period of eight weeks from that day and the same



W.P.No.22297 of 2009

was deposited by the petitioner/management.

WEB COPY

4. Learned counsel appearing for the second respondent/Union sought permission of this Court to withdraw the aforesaid 50% of the award amount by making appropriate application before the first respondent/Tribunal, within a stipulated time that may be fixed by this Court.

5. Heard the learned counsel on either side and perused the materials available on record.

6. Considering the facts and circumstances of the case and the year of the present writ petition, this Court permits the second respondent/union to withdraw the 50% of the award amount, along with the accrued interest by making appropriate application before the first respondent/Tribunal, within a period of two weeks from the date of receipt of a copy of this order.

7. With the aforesaid direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.



W.P.No.22297 of 2009

WEB COPY

16.03.2023

vm

Index : Yes/No

Speaking Order : Yes/No

**J.SATHYA NARAYANA PRASAD,J.**

vm

To:

- 1.The Presiding Officer,  
Industrial Tribunal,  
Chennai – 600 104.
- 2.The Workmen represented by  
Seyalalar,  
Dahrmappuri Mavatta Dravida  
Panchalai Thozhilalar Munnetra  
Sangam,  
Adiyaman Kottai,  
Nallampalli, Dharmappuri.

**W.P.No.22297 of 2009**

Page No.5 of 6



WEB COPY



W.P.No.22297 of 2009

**16.03.2023**