



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :25.07.2023

CORAM

THE HONOURABLE **MR.JUSTICE M.DHANDAPANI**

W.P.Nos.14647 to 14649, 22912 to 22931 of 2016, 23291 to 23310 of 2016
and W.M.P.Nos.12808 to 12813, 19600 to 19639, 19970 to 20009 of 2016,
& 21211 to 21214 of 2019

W.P.No.14647 of 2016

1.K.G.S.Spinnners

Represented by its Proprietor S.Sreekanth,
'Jayshree' 55, Race Course Road,
Coimbatore-641 018.

2.B.Anupa Ranganayaki,

3.S.Sree Vickrant (Minor),

4.S.Aathreya (Minor),

5.Radhika Srihari

(Petitioners 2 to 5 impleaded vide order dated 25.07.2023
in W.M.P.No.21328 of 2023 in W.P.No.14647 of 2016)

... Petitioners

Vs.

1. The Presiding Officer
Labour Court,
Coimbatore.

2.B.Premavathi

... Respondents



PRAYER : Petition filed under Article 226 of the Constitution of India praying to issue a writ or order or directions in the nature of Writ of Certiorari calling for the records connected with the C.P.No:315 of 2008 dated 22.10.2012 passed by the 1st respondent and quash the same.

For Petitioner
(in all petitions) : M/s.S.R.Sundar

For Respondents
(in all petitions) : Mr.K.M.Ramesh,
Senior Counsel appointed as amicus for R2

COMMON ORDER

Though the above Writ Petitions were listed as different items in the cause list, since the issue involved in all Writ Petitions being one and the same, this Court grouped all the Writ Petitions together and disposed of by way of a common order.

2. The above Writ Petitions have been filed assailing the Order passed by the labour court/ 1st Respondent in Computation Petition Nos. 342 362 & 315 to 333 of 2008 & 67,68 &70 of 2009 in respective Writ Petitions.



WEB COPY

3. It is the case of the petitioner that Petitioner Management was in operation for a period from 1981 to 1985 and 1992 to 1995 with 94 workers. Due to illegal strike by the Employees since 31.03.1995, the management stopped its operation from 10.04.1995. Out of 94 employees, 60 submitted their resignation letter and upon receipt of the same, they were settled with Gratuity and other benefits in full and final settlement as per Section 18(1) of the Industrial Disputes Act, 1947. However, after a lapse of 14 years, computation petitions came to be filed by the employees/2nd respondents before the 1st respondent labour court under section 33C-2 of the Industrial Disputes Act, 1947 claiming salary, bonus and certain other benefits for a period from March to April, 1995 in the which, the labour court has ordered for payment of salary to the tune of Rs.5160/- for the period from 01.03.1995 to 10.04.1995 and bonus for the year 1993-1994 to each of the employees. Aggrieved by the order passed by the labour court, the petitioner is before this Court.



WEB COPY

4. Learned counsel for the petitioner submits that already there was a settlement under section 18(1) of the Act on 18.09.2002. However, the computation petitions have been filed only in the year 2008 which is after a period of six years. Therefore, the same is not maintainable. In this regard, though, the petitioner management filed a detailed counter affidavit before the labour court, the same was not examined by the trial court. Without perusing any material as also the counter affidavit filed by the petitioner management, the trial court has passed the impugned order directing the management to pay salary due for the month of march including the bonus to the employees who are arrayed as the 2nd Respondent in respective Writ Petitions. Hence, the order of the Trial Court needs to be interfered with.

5. Per contra, learned Senior Counsel appearing for the 2nd Respondents/workmen disputed the contentions raised by the learned counsel for the petitioner in respect of limitation as the concept of limitation is not applicable for the computation petitions filed under section 33C-2 of



the industrial disputes Act and however, the limitation is applicable only for 2(A)(2) petitions as the issue with regard to applicability of limitation has already been settled by the Hon'ble Apex Court.

6. Further, learned counsel appearing for the 2nd Respondents/workmen fairly conceded that as per Section 18(1) of the Industrial Disputes Act, they are not entitled for one month salary for the period in which they went on strike and they are entitled only for 10 days salary.

7. The aforesaid fact is not in dispute and the workmen agreed for payment for the month of March and the 2nd respondents/workmen are entitled for bonus as well which cannot be disputed. However, the petitioner agreed to deposit the amount as ordered by the trial court as full settlement. Therefore, this Court may issue a direction to disburse the amount in favour of the 2nd Respondents equally as full quit without any further agitations and the same is binding on the respective respondents.



WEB COPY

8. Learned counsel appearing for the petitioner management has no serious objection since the entire amount is deposited pursuant to the order of Labour Court and whatever the wages for ten days shall be paid to the respective Respondents/Workmen equally and the balance amount has to be returned back to the petitioner management.

9. Heard the learned counsel appearing for the Petitioner and Senior Counsel appearing for the Respondent and perused the material available on record.

10. The facts in the present case are not in dispute. Admittedly there was 18(1) settlement in between the parties in the year 2002 in which the 2nd Respondents/workmen specifically admitted that they are not entitled for salary after 1995. Whereas the claim of the 2nd Respondents/workmen even after 1995 is non-est, the factory functioned only for a period of 10 days and therefore 2nd Respondents also worked only for the said 10 days which was not disputed by the Petitioner



management. Therefore, the 2nd Respondents are entitled for salary for the said period only. Further, the 2nd Respondents are also entitled for bonus and the said issue was not properly discussed in 18(1) settlement in order to balance the dispute between the parties, amount already deposited by the Petitioner Management is sufficient to the 2nd Respondent as full quit. After verifying the identification of the workmen, the labour court is directed to disburse the amount to the workmen.

11. With the above observation, these Writ Petitions are disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

25.07.2023

Index : Yes / No

Speaking Order : Yes / No

NHS



WEB COPY



M.DHANDAPANI, J.

NHS

To

The Presiding Officer
Labour Court,
Coimbatore.

W.P.Nos.14647 to 14649,
22912 to 22931 of 2016,
23291 to 23310 of 2016
and W.M.P.Nos.12808 to 12813,
19600 to 19639, 19970 to 20009
of 2016, 21211 to 21214 of 2019

25.07.2023