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W.P.Nos.20354 of 2016 and 8335 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.07.2023

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

**W.P.Nos.20354 of 2016 and 8335 of 2017
AND W.M.P.Nos.17475/16, 20364 & 20365/17 and 4029/20**

The Management of
Axles India Limited

... Petitioner in W.P.20354/2016

K.Ezhumalaiyan

... Petitioner in W.P.8335/2017

Vs.

1.The Presiding Officer,
Principal Labour Court,
Vellore.

... Respondent in both the W.Ps.

2.K.Ezhumalaiyan

... Respondent in W.P.20354/2016

2. Management
Axles India Limited

... Respondent in W.P.8335/2017

Prayer in W.P.No.20354 of 2016:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari to call for the records on the file of the first respondent herein viz., The Presiding Officer, Principal Labour Court, Vellore in I.D.No.105 of 2011 and quash the Common Award passed therein dated 24.02.2016.

Prayer in W.P.No.8335 of 2017:

Petition filed under Article 226 of the Constitution of India to



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issue a Writ of Certiorarified Mandamus after calling for the concerned records from the first respondent, quash the common Award of the first respondent dated 24.02.2016 in I.D.Nos.104 to 107 of 2011 in so far as I.D.No.105 of 2011 denying the relief of back wages, continuity of service for all purpose, allowances, all other attendant benefits and imposing condition to tender unconditional apology while being reinstated as illegal, arbitrary and contrary to law and consequently direct the second respondent Management to reinstate the petitioner with full back wages, continuity of service and all other attendant benefits.

For Petitioner : Mr.G.Anand Gopalan
for M/s.T.S.Gopalan and Co.
in W.P.No.20354/2016
Mr.Balan Haridas
in W.P.No.8335/2017

For Respondents : Mr.Balan Haridas for R2
in W.P.No.20354/2016
Mr.G.Anand Gopalan for R2
for M/s.T.S.Gopalan and Co.
in W.P.No.8335/2017
R1 – Labour Court
in both the W.Ps.

COMMON ORDER

Since the issue involved in these writ petitions are interrelated, they are heard together and disposed of by way of a common order. For brevity, the petitioner in W.P.No.20354 of 2016 would be



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hereinafter referred to as 'Management' and the petitioner in W.P.No. 8335 of 2017 would be hereinafter referred to as 'Workman'.

2. Aggrieved by the award passed by the Presiding Officer, Principal Labour Court, Vellore in I.D.No.105 of 2011 dated 24.02.2016, W.P.No.20354 of 2016 has been filed by the Management. Aggrieved by the denial of the relief of back wages, continuity of service for all purpose, allowances, all other attendant benefits and the condition imposed to tender unconditional apology while being reinstated in the award passed by the Presiding Officer, Principal Labour Court, Vellore in I.D.No.105 of 2011 dated 24.02.2016, W.P.No.8335 of 2017 has been filed by the Workman.

3. It is represented by the learned counsel appearing for the Management that during the pendency of this writ petition, the Workman was reinstated in service and he is receiving old wages, however, he is entitled to receive current wages on par with the other employees from 01.07.2021 and necessary settlement will be arrived at. The learned counsel further submitted that the Workman is not entitled for any backwages since he has been reinstated in service and has received other benefits as ordered by the Labour Court.



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M.DHANDAPANI,J.
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4.Recording the submissions made by the learned counsel appearing for the Management, these writ petitions are closed. No costs. Consequently, the connected miscellaneous petitions are also closed.

20.07.2023

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Speaking Order/ Non Speaking Order
Index: Yes/ No
Internet: Yes/ No

To

1.The Presiding Officer,
Principal Labour Court,
Vellore.

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and 8335 of 2017**

20.07.2023