



WEB COPY



W.P.Nos.8433, etc batch

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.07.2023

CORAM:

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

W.P.Nos.8433 to 8439 & 8692 to 8731 of 2013 and
MP.Nos.1 of 2013 (47 Nos.)

WP.No.8433 of 2013

The Management,
Tamilnadu Khadi Village Industries Board,
Kuralagam,
Chennai 600 108

... Petitioner

Vs.

1.M.Kuppusamy
2.The Presiding Officer,
Labour Court,
Salem

... Respondents

PRAYER: Writ petition is filed under Article 226 of the Constitution of India to issue a writ of certiorari calling for the records in CP.No.235 of 2003 dated 22.11.2012 on the file of the second respondent and quash the same as illegal.



W.P.Nos.8433, etc batch

For Petitioner
in all WP's : Mr.R.Neelakandan,
Additional Advocate General
Assisted by
Mr.S.K.Bose

For Respondents

For R1
in all WP's : Mr.P.K.Rajagopal

R2
in all WP's : Court

COMMON ORDER

These writ petitions have been filed challenging the common award passed by the second respondent in various claim petitions filed by the workmen and thereby ordered to pay respective amount to the workmen.

2. The first respondent in all the writ petitions (hereinafter called as workmen) had filed their respective claim petitions claiming dearness allowance as directed by this Court in WP.No.45711 of 2006 by order dated 19.09.2011. The Government of Tamilnadu issued GO.Ms.No.637 dated 21.03.1983 fixing minimum wages for the workers



W.P.Nos.8433, etc batch

employed in the Bleaching and Dyeing units. Based on the wages, the petitioner / management and the workmen employed in the Bavanisagar Unit entered into a settlement dated 05.09.1983 under Section 12(3) of Industrial Disputes Act. Again another settlement was entered between them on 29.04.1988 and finally another settlement was entered between them on 01.07.1992. Accordingly, the petitioner / management had agreed to pay DA fixed by the Government. As per the final settlement, dearness allowance was enhanced to Rs.5/- as per the settlement dated 01.07.1992.

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

4. Since these writ petitions have been filed by the petitioner / Management challenging the common order passed by the second respondent in various claim petitions, this Court is inclined to dispose of these writ petitions by common order.



W.P.Nos.8433, etc batch

WEB COPY

5. The petitioner averred that though the settlement dated 01.07.1992 was modified, the management continued to pay variable dearness allowance for every rise of 10 points above the base consumer index of 455, the management paid dearness allowance at the rate of 5% of the total wages. Therefore, the petitioner / management suffered a huge loss and audit objections were raised. In order to curb and make good of the loss, the petitioner / Management on 26.12.1995 decided to stop paying variable dearness allowance to the workmen. Thereafter, on 31.12.2002, the petitioner / management also closed the unit. However, in the year 2003, the workmen filed claim petitions and the same were dismissed and aggrieved by the same, they preferred writ petition before this Court in WP.No.45711 of 2006. Considering the request made by the workmen, this Court set aside the order passed by the Labour Court and remanded back to second respondent for fresh consideration.

6. After considering the order passed by the Hon'ble Division Bench of this Court in WA.No.2603 of 2002 dated 09.01.2008, the claim petitions filed by the workmen were allowed and thereby granted variable



W.P.Nos.8433, etc batch

dearness allowance to the workmen. Therefore, as per the settlement arrived between the petitioner / management and workmen, they are entitled for varied dearness allowance. Hence, the second respondent rightly allowed the claim petitions and this Court finds no infirmity or illegality in the orders passed by the second respondent. As such, all the writ petitions are devoid of merits.

7. Accordingly, all the writ petitions are dismissed. Consequently, connected miscellaneous petitions are closed. There shall be no order as to costs.

27.07.2023

Index :Yes/No

Internet : Yes/No

Speaking order/non-speaking order

lok

To

1. The Presiding Officer,
Labour Court,
Salem
2. The Government Advocate,
Madras High Court



WEB COPY



W.P.Nos.8433, etc batch

G.K.ILANTHIRAIYAN, J.

lok

W.P.Nos.8433 to 8439 & 8692 to 8731 of 2013

27.07.2023