



W.P. Nos.18996/2021, Batch

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on	Pronounced on
19.09.2023	12.10.2023

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

**W.P. NOS.18996, 19047, 19048, 19073, 19095, 19082, 19053, 19056,
19046, 19100, 19109, 19051, 19055, 19032, 19001, 19091 & 19090 OF 2021
W.P. NOS. 6506, 6511, 6515, 6518, 6730, 6732, 6735, 6739, 6742, 8034,
8036, 8061, 8065 & 8066 OF 2023**

AND

**W.M.P. NOS.20261, 20262, 20314, 20316, 20318, 20319, 20348, 20351,
20373, 20375, 20360, 20361, 20323, ,20325, 20329, 20330, 20313, 20315,
20380, 20381, 20393, 20395, 20321, 20322, 20327, 20328, 20293, 20294,
20268, 20269, 20371, 20372, 20369, 20370 OF 2021
W.M.P. NOS. 6553, 6559, 6567, 6572, 17842, 6792, 6795, 6797, 6801, 6805,
8283, 8288, 8325, 8327 & 8329 OF 2023**

W.P. NO. 18996 OF 2021

The Management
Mahavir Plantations Pvt. Ltd
Rep. By its Director
Sailesh T.Bhansali
Naduvattam, Ooty Taluk
Nilgiris District.

.. Petitioner

- Vs -

1. Presiding Officer
Addl. Labour Court
Coimbatore.



W.P. Nos.18996/2021, Batch

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2. V.Samuvel

.. Respondents

W.P. No.18996 of 2021 filed under Article 226 of the Constitution of India praying this Court to issue a writ of certiorari calling for the records of the award passed by the 1st respondent in I.D. No.612 of 2008 dated 29.10.2018 and quash the same.

For Petitioners : Mr. Vijay Narayan, SC, for
Mr. C.Vigneswaran, in W.P.
NOS.18996, 19047, 19048,
19707, 19095, 19082, 19053,
19056, 19046, 19100, 19109,
19051, 19055, 19032, 19001,
19091 & 19090/2021

Mr. K.Sarath Chandran in
W.P. NoS. 6506, 6511, 6515,
6518, 6730, 6732, 6735, 6739,
6742, 8034, 8036, 8061, 8065 &
8066/2023

For Respondents : Mr. Srinath Sridevan, SC, for
Ms. Aishwarya S.Nathan

COMMON ORDER

While one batch of writ petitions have been filed assailing the award passed by the Labour Court in the dispute raised by the individual workmen by allowing the dispute directing reinstatement with backwages, the second



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set of writ petitions are consequential thereof, having been filed challenging the order of the Labour Court allowing the computation petition filed by the respective workmen u/s 33-C (2) of the Industrial Disputes Act (for short 'the Act'). As both the sets of writ petitions relate to a common issue and the order in the computation petition is a consequence of the award passed by the Labour Court, they are taken up together and disposed of by this common order.

2. For the sake of convenience, the petitioner in all the writ petitions would be referred to as Management and the respective respondent/workmen would be referred to as workmen.

3. The facts, that are crucial and necessary for the disposal of all the aforesaid petitions could be briefly stated as under :-

The workmen were employed under the Management and were rendering their services in the tea estates belonging to the Management. It is the case of the Management that due to steep fall in the prices of tea and rubber from the year 1998, the production outlets were not able to realize



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remunerative prices for the products, thereby, the plantation industry was dwindling down financially. Due to the above, the workmen under the Management in Nilgiris had started resorting to theft of tea leaves and selling them clandestinely.

4. It is the further case of the Management that against such acts perpetrated by the workmen, action was taken in terms with the Joint Standing Orders for Estate Workmen in Tamil Nadu for various misconducts as envisaged in the Standing Orders by issuing show cause notice and after conduct of enquiry, order of dismissal from service was inflicted on the workmen. Aggrieved by the said order, the workmen preferred individual disputes before the 1st respondent/Labour Court, and in view of the fact that pending the dispute, majority of the workmen had retired, common award dated 29.10.2018 had come to be passed by setting aside the order of dismissal and directing reinstatement with 25% backwages and continuity of service. Aggrieved by the said order, the first set of writ petitions have been preferred by the Management.



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5. It is the further case of the Management that when the writ petitions have been filed and were admitted, pending the same, the workmen filed computation petitions u/s 33-C (2) of the Industrial Disputes Act to compute the amount payable to the workmen pursuant to the award dated 29.10.2018. In the said computations, the Labour Court, without considering the fact that writ petitions assailing the awards are pending consideration, had erroneously allowed the computation petitions filed by the workmen, which reveals non-application of mind and aggrieved by the said order, the other set of writ petitions have been filed by the Management.

6. Learned senior counsel appearing for the Management submitted that even as early as in the year 2000, when there was labour unrest, the Labour Authorities had intervened to settle the disputes and after due enquiry, the workmen were directed to return a sum of Rs.23,39,497/- being the amount, which were usurped by them by illegally plucking the tea leaves and selling the same. It is the further submission of the learned senior counsel that inspite of the intervention by the labour authorities, the unrest continued, which resulted in the management declaring lockout and in the



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interest of the workmen, settlement u/s 18 (1) of the Industrial disputes Act was entered into. It is the further submission of the learned senior counsel that inspite of the above, an unlawful group was formed by the workmen herein, resulting in continued theft of tea leaves by illegally plucking them and selling the same.

7. It is the further submission of the learned senior counsel that due to the illegal act of the workmen, police complaint was given which resulted in the filing of the FIRs against the workmen herein. It is the further submission of the learned senior counsel that consequent upon the above, show cause notices were issued to the respective 2nd respondent/workmen, but they refused to receive the show cause notice. Inspite of the best efforts to serve the show cause notice, the same was not received by the workmen and as the workmen were creating lot of troubles, O.S. No.79/2002 was filed before the Munsif Court, Gudalur for permanent injunction restraining the 2nd respondent and his group of men from stealing, selling and transporting green leaves or in any interfering with the peaceful management of the estate and interim injunction was granted in I.A. No.358/2002. Inspite of



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grant of opportunity, as the workmen continued with their wrongful act, charge sheet was issued to the workmen under the Standing Orders, which was once again refused to be received by the workmen.

8. It is the further submission of the learned senior counsel that domestic enquiry was conducted, but none of the workmen appeared for the enquiry inspite of notice and, therefore, they were set exparte and the Management witnesses were examined and documents were marked. The enquiry officer returned a finding holding all the workmen guilty. Further show cause notice was issued on 11.12.2002 along with the report of the enquiry officer seeking explanation of the workmen, which notice was also refused to be received by the workmen resulting in the order of dismissal being passed on 25.2.2003.

9. It is the further submission of the learned senior counsel that against the interim injunction, A.S. No.33/2006 was filed by the workmen, which was dismissed against which S.A. No.893/2006 was filed along with M.P.1/2006 for stay, which petition was dismissed and only after dismissal of the said



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petition, the workmen stopped illegal plucking of the tea leaves. It is the further submission of the learned counsel that upon dismissal, the Management issued notice to the workmen to vacate the quarters, as they were in unauthorised possession. Only thereafter, the workmen raised a dispute u/s 2-A (1) of the Act before the conciliation officer against the order of dismissal premising their case that till the said notice to vacate the quarters was received, they were not aware about the dismissal. As the conciliation failed, the workmen raised a dispute u/s 2-A (2) of the Act claiming reinstatement with backwages and other attendant benefits from January, 2005, till date of reinstatement, which has been answered in the affirmative in favour of the workmen, which is wholly arbitrary and illegal.

10. It is the further submission of the learned senior counsel that when the illegal plucking of the tea leaves has been the reason for the dismissal of the workmen, more so, after issuing the necessary notice, which was refused to be received by the workmen, the Labour Court ought not to have ordered reinstatement as the illegal plucking of tea leaves was enjoined by the civil court, which was stopped only when the petition was dismissed by this court.



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11. It is the further submission of the learned senior counsel that when the procedure contemplated under the ID Act has been followed in the conduct of the enquiry and consequent dismissal of the workmen by issuing the necessary show cause notices, reminder notices, charge sheet and dismissal order, which is substantiated by documentary evidence in the form of Exs.M-1 to M-7, the Labour Court ought not have interfered with the order of dismissal more so, when the criminal machinery had been set in motion against the workmen by filing of FIRs with regard to illegal plucking of tea leaves.

12. It is the further submission of the learned senior counsel that when the misconduct against the workmen had been established through necessary evidence, and coupled with the fact that the illegal plucking of tea leaves was to the tune of Rs.23 Lakhs and odd, which is the basis of the criminal trial, the Labour Court ought to have exercised restraint in ordering reinstatement along with backwages, when even the labour authorities, as early as in the



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year 2002, had asked the workmen to return the sum of more than Rs.23 Lakhs, which was realised by them through illegal plucking of tea leaves.

13. In fine it is the submission of the learned senior counsel that the workmen having acted in an illegal manner and not submitted themselves to the departmental enquiry as the refusal of notice cannot be held to be violation of principles of natural justice cannot come before the Labour Court and claim ignorance of all the notices, which have been issued to them, when the factum of their refusal to receive the notice has been established by the Management and the material documents, which have been relied upon in the enquiry and the further fact that the pendency of a criminal case not a bar for initiating a proceeding against the workmen and that the workmen have come to Court after a prolonged delay, which having not been explained, all the aforesaid factors having not been considered in proper perspective by the Labour Court, the order of reinstatement along with backwages suffers the vice of illegality and unreasonability and the same deserves to be interfered with.



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14. In support of the aforesaid submissions, learned senior counsel placed reliance on the following decisions :-

- i) Syndicate Bank – Vs – General Secretary, Syndicate Bank Staff Association & Anr. (2000 (5) SCC 65);*
- ii) C.C. Alva Haji – Vs – Palapetty Muhhamed & Anr. (2007 (6) SCC 555);*
- iii) Divisional Controller, Karnataka State Road Transport Corporation – Vs – M.G.Mittal Rao (2012 (1) SCC 442);*
- iv) Ajay Kumar Singh – Vs – Flag Officer, Commanding-in-Chief (2016 (9) SCC 179);*
- v) BHEL – Vs – M.Mani (2018 (1) SCC 285);*
- vi) Union of India – Vs – Sitaram Mishra & Anr. (2019 (20) SCC 588);*
- vii) Maharashtra State Road Transport Corporation – Vs – Dilip Uttam Jayabhay (2022 (2) SCC 696);*
- viii) Prabhakar – Vs – Joint Director, Sericulture Dept. & Anr. (2015 (15) SCC 1); and*
- ix) Asst. Engineer, Rajasthan State Agriculture Marketing Board, Sub-Division, Kota – Vs – Mohan Lal (2013 (14) SCC 543)*

15. Per contra, learned senior counsel appearing for the workmen submitted that as early as in the year 2005, the workmen preferred a petition u/s 33-C (1) of the Act for recovery of amounts due as large sums were due



W.P. Nos.18996/2021, Batch

WEB COPY

with regard to wages, EPF, gratuity and bonus for which W.P. No.1362/2007 was filed in which this Court directed recovery of the amounts and the said order was challenged in SLP before the Supreme Court, which was dismissed and despite the same, the Management has not settled the dues due to the workmen.

16. It is the further submission of the learned senior counsel that constrained by the non-payment of the statutory dues, the workmen filed W.P. No.3967/2011 seeking recovery of the dues due to the workmen in which this Court passed affirmative orders, whereupon the Employment Department issued certificate u/s 33-C (1) confirming the liability of the company. Pursuant thereto, G.O. No.423, Employment Department was passed for recovery of a sum of Rs.8,11,52,000/- due to the workmen under the Revenue Recovery Act and inspite of the same no monies were paid to the workmen, but merely W.P. No.18704/2018 was filed seeking time bound implementation of the aforesaid Government Order.

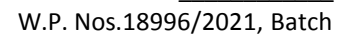


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17. It is the further submission of the learned senior counsel that with regard to the alleged illegal plucking of tea leaves and selling the same by the workmen, it is pending criminal trial and the workmen cannot be fastened with any liability for the amount of Rs.23 Lakhs and odd claimed by the Management so long as it is established in accordance with law.

18. Appreciating all the aforesaid facts, the Labour Court had, on the basis of the materials available before it, came to the conclusion that the workmen deserves to be reinstated in service, as the departmental enquiry had not been conducted in accordance with law as no opportunity was given to the workmen to defend themselves. Therefore, the order of reinstatement passed by the Labour Court along with backwages of 25% does not suffer any illegality and does not require any interference.

19. Insofar as the computations petitions filed by the respective workmen, the learned counsel appearing for the workmen submitted that pursuant to the order of reinstatement, the non-payment of the backwages had resulted in the filing of the computation petitions u/s 33-C (2) of the ID



20. This Court gave its anxious consideration to the submissions advanced by the learned counsel appearing on either side and perused the materials available on record.

21. Before proceeding to discuss the facts of the case, it is to be pointed out that though certain decisions have been pressed into service by the learned counsel appearing on either side, however, in view of the nature of order, which this Court proposes to pass, it is not necessary to dwell into any of the decisions relied on.

22. A cursory perusal of the factual matrix of the case presents a scenario of diverse proportions, in which the Management and the workmen



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herein have been at loggerheads for various reasons with the workmen filing petition seeking to payment of the statutory dues and the Management filing complaint against the workmen with regard to illegal plucking of tea leaves. It is also evident from the materials available on record that the criminal machinery had been set in motion by registration of FIR with regard to illegal plucking of tea leaves by the workmen.

23. Further, it is borne out by record that towards the realisation of the statutory dues, Government Order in G.O. No.423 has been issued and recovery certificate has also been issued for which writ petition has been filed for time bound implementation of the aforesaid Government Order.

24. Therefore, there is a claim on behalf of the workmen, which is admitted and at the same time, there is an alleged breach by the workmen in the form of illegal plucking of tea leaves in which a suit was filed where injunction had been granted restraining the workmen from illegally plucking the tea leaves, which has since been confirmed by this Court in the second appeal filed by the workmen. It is the case of the Management that upon the



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orders of this Court, the illegal plucking has been stopped by the workmen and prior to that the workmen had been indulging the said act of illegal plucking of tea leaves.

25. The aforesaid scenario clearly reveals that the relationship between the Management and the workmen herein is not conducive and, in fact, it is beyond the pale of any repair, be it in any form, by any forum. However, one other aspect, which has also been canvassed on behalf of the parties is that upon the dismissal of the workmen, they were directed to vacate the quarters, which they were in occupation, but, however, till date, the workmen have not vacated the quarters. However, on the side of the workmen, it is their stand that their spouses are working in the establishment and, therefore, they are entitled to retain the quarters in the name of their spouse.

26. In the above backdrop of the facts, which stare on the face of the record, the order has been passed by the Labour Court directing reinstatement of the workmen with 25% backwages. Materials with regard



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to the notices issued to the workmen have been pressed into service by the Management to assail the order of the Labour Court as erroneous as the departmental enquiry was conducted after the workmen were put on notice and their non-cooperation in the departmental proceedings cannot be put against the Management. According to the Management, the dismissal of the workmen is in accordance with law and interference by the Labour Court is wholly unjustified as the materials have not been properly appreciated.

27. However, as already pointed out, the relationship between the Management and the workmen is strained and any order in which meeting of eyes of the Management and the workmen at any point of time would be in detriment to both parties, as the friction, that had since been developed between the two sides, which is warring against each other, is of such a proportion that it would not be in the interest of either party to be put under the same roof by means of any order, as it would still make the relationship more sour and bitter. Therefore, giving a finding one way or the other with respect to the order passed by the Labour Court would not be in the interest of either party and it would be more injurious to both the sides.



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28. In the aforesaid backdrop, though vociferous contentions were advanced on behalf of the warring parties to substantiate their case, however, it would not be conducive in the interest of either party for this Court to appreciate the facts and give any view, as the criminal prosecution against the workmen is also pending adjudication and giving a finding one way or the other would gravely prejudice the criminal case, as definitely, any finding that is rendered by this Court in this writ petition would have a bearing in the criminal case, irrespective of the fact that even if this Court orders that the criminal court should not take into consideration any finding that is recorded for the purpose of disposing of the case, yet, it should be borne in mind, that human mind is prone to bend itself to consider the discussion made by this Court in the present case, which would definitely have a prejudicial effect in the criminal court deciding the issue. Therefore, when a matter between the parties of more major impact is pending consideration, it would be unwise for this Court to render any opinion.

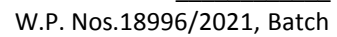


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29. However, the above fact should not stop this Court from rendering substantial justice, so long as it does not affect either party. In such view of the matter, this Court had embarked upon finding a balance, which would be in the interest of either side.

30. The friction between the parties had started to surface in the year 2000 with the parties trading blows one way or the other, finally culminating in the dismissal of the workmen in the year 2003, whereinafter industrial dispute was raised in the year 2008 leading to the order being passed in the year 2018 ordering reinstatement with 25% backwages. However, by the time the Labour Court had passed the order, ordering reinstatement, most of the workmen had, by efflux of time, reached their age of superannuation and, therefore, the order of reinstatement is only a paper order, which does not work any benefit to either party.

31. In such circumstances, this Court, to give a quietus to the issue, called upon the counsel for the Management to discuss with the Management to find out a way by which the issue could be resolved, including payment of a



32. When the proposal was put to the workmen, after discussion and deliberation with the workmen, learned counsel submitted that reinstatement along with 25% backwages was awarded by the Labour Court and, therefore, mere payment of backwages of 25% as lumpsum compensation would be nothing but depriving the workmen of the benefits to which they are otherwise eligible on the basis of the order passed by the Labour Court. Therefore, it is submitted by the workmen that either the Management give a better compensation package as full quit or this Court may direct the Management to implement the order passed by the Labour Court.



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33. This Court considered the submissions advanced on either side. As already stated above, the relationship between the parties is strained to such an extent that it would be wholly unwise to put the parties in the same cage and allow them to continue. Further, the order of reinstatement, at the present point of time, is wholly a paper order, as by efflux of time, most of the workmen have retired and it would not be in the interest of the workmen. Equally, ordering reinstatement would also not be in the interest of the Management, as that would have other ramifications in the criminal case, which is pending adjudication.

34. Therefore, without reinstatement, the other portion of the order passed by the Labour Court is the grant of 25% backwages with interest at 9% p.a. from the year 2019. Therefore, to find a balance between the two warring factions so as to enable them settle the present dispute, this Court is of the considered view that an one time lumpsum compensation towards full quit be awarded to each of the workman in lieu of reinstatement and 25% backwages, which would serve the ends of justice.



35. Accordingly, invoking the power vested under this Court under Article 226 of the Constitution, this Court, sets aside the order passed by the Labour Court ordering reinstatement with 25% backwages and based on the order passed in the computation petition filed u/s 33-C (2) of the ID Act, which is consequential to the award of the Labour Court, taking a holistic view of the entire scenario, taking into consideration the computation submitted by the workmen, as ordered by this Court and considering the length of service rendered by the respective workmen with the Management and noticing the plight of the workmen on the basis of the aforesaid materials, which are undisputed, instead, awards the following lumpsum amount, as noted against each workmen hereunder as compensation, towards full quit, which would serve the ends of justice and give a quietus to the issue :-

S. No.	Name of the Workman (W.P. No.)	Lumpsum Compensation in Full Quit
1	G.Lakshmanan (W.P. No.8066/2023)	Rs.2,25,000/- (Rupees Two Lakhs Twenty Five Thousand only)
2	Yesuraj (W.P. No.8065/2023)	Rs.3,00,000/- (Rupees Three Lakhs only)



W.P. Nos.18996/2021, Batch

WEB COPY

3	T.Putraj (W.P. No.8061/2023)	Rs.6,50,000/- (Rupees Six Lakhs Fifty Thousand only)
4	C.Basuvesvara (W.P. No.8036/2023)	Rs.2,50,000/- (Rupees Two Lakhs Fifty Thousand only)
5	S.Sivaraman (W.P. No.8034/2023)	Rs.7,50,000/- (Rupees Seven Lakhs Fifty Thousand only)
6	A.Siddaraju (W.P. No.6742/2023)	Rs.3,50,000/- (Rupees Three Lakhs Fifty Thousand only)
7	P.Mani (W.P. No.6732/2023)	Rs.4,25,000/- (Rupees Four Lakhs Twenty Five Thousand only)
8	C.Narayanan (W.P. No.6739/2023)	Rs.3,00,000/- (Rupees Three Lakhs only)
9	D.Jawaran (W.P. No.6735/2023)	Rs.90,000/- (Rupees Ninety Thousand only)
10	Samuel (W.P. No.6730/2023)	Rs.5,75,000/- (Rupees Five Lakhs Seventy Five Thousand only)
11	G.Sundaram (W.P. No.6518/2023)	Rs.4,50,000/- (Rupees Four Lakhs Fifty Thousand only)
12	S.Gangadharan (W.P. No.6515/2023)	Rs.2,00,000/- (Rupees Two Lakhs only)
13	P.Subramani (W.P. No.6506/2023)	Rs.5,00,000/- (Rupees Five Lakhs only)
14	N.Kunmalla (W.P. No.6511/2023)	Rs.1,75,000/- (Rupees One Lakh Seventy Five Thousand only)



W.P. Nos.18996/2021, Batch

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36. It is made clear that the workmen herein would not be entitled for any amount over and above the amount, as has been ordered by this Court, as the said amount is ordered in full quit against any claim that the workmen may have against the Management. The Management/petitioner is directed to pay the aforesaid amount to the workmen within a period of four weeks from the date of receipt of a copy of this order failing which the amount would carry interest at the rate of 9% p.a. from today till the date of payment.

37. Insofar as the claim of the workmen with regard to retention of the quarters, which have been allotted to them, is concerned, it is to be pointed out that once the workmen is paid an amount in full quit for the services rendered by them, the said workmen cannot retain the quarters allotted to them. However, it is the stand of the workmen that many of their spouses are under the employment of the Management and they would be entitled to the quarters and, therefore, the quarters under their occupation may stand transferred to the name of their spouse so that they can occupy the quarters.



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38. It is not disputed by the Management that some of the spouse of the respective workmen are under their employment, but it is the stand of the Management that it is within the discretion of the Management to allot the quarters based on the provisions in the Standing Orders and, therefore, no blanket permission could be granted to the workmen, whose spouse is under their employment to retain the quarters.

39. Considering the fact that the spouse of some of the workmen are under the employment of the Management, in the interest of justice, this Court directs the spouse of the concerned workmen to give a representation to the Management within a period of four weeks from the date of receipt of a copy of this order and based on the provisions in the Standing Orders, with regard to allotment of quarters to the spouse of the respective workmen, the petitioner/Management may consider their representation and pass appropriate orders within a period of four weeks thereafter. It is further made clear that if the spouse of any of the workmen is not entitled for retention of the quarters as per the provisions of the Standing Orders, the



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petitioner/Management shall give atleast a period of one month from the date of passing of the order for the said workmen to vacate the quarters.

40. In the result, in view of the discussion aforesaid, the writ petitions are disposed of with the following directions :-

- i) *All the writ petitions filed against the order of reinstatement and against the order allowing the computation petitions are disposed of by setting aside the orders passed by the Labour Court and instead, the petitioner/Management is directed to pay a lumpsum compensation to the respective workmen as detailed for in para 35 of this order. The said amount shall be paid to the respective workmen within a period of four weeks from the date of receipt of **a copy of this order failing which the amount would carry interest at the rate of 9% p.a. from today till the date of payment.***
- ii) *Insofar as retention of quarters is concerned, if anyone of the family members of the spouse of the concerned workmen, if they are in employment, shall give a representation to the*



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W.P. Nos.18996/2021, Batch

Management within a period of four weeks from the date of receipt of a copy of this order and based on the provisions in the Standing Orders, with regard to allotment of quarters to the spouse of the respective workmen, the petitioner/Management may consider their representation and pass appropriate orders within a period of four weeks thereafter. It is further made clear that if the spouse of any of the workmen is not entitled for retention of the quarters as per the provisions of the Standing Orders, the petitioner/Management shall give atleast a period of one month from the date of passing of the order for the said workmen to vacate the quarters.

iii) Consequently, connected miscellaneous petitions are closed. There shall be no order as to costs.

12.10.2023

Index : Yes / No

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W.P. Nos.18996/2021, Batch

To

The Presiding Officer
Addl. Labour Court
Coimbatore.



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W.P. Nos.18996/2021, Batch

M.DHANDAPANI, J.

GLN

**PRE-DELIVERY ORDER IN
W.P. NOS.18996 OF 2021, ETC.**



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W.P. Nos.18996/2021, Batch

**Pronounced on
12.10.2023**



W.P. Nos.18996/2021, Batch

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M.DHANDAPANI, J.

The above writ petitions are listed today under the caption “For Being Mentioned” at the instance of the learned counsel for the workmen.

2. Learned counsel appearing for the workmen submits that in para-36 of the order dated 12.10.2023, though this Court had directed that the amount, as mentioned against the individual workmen in para-35 of the order shall be paid, which would be in full quit against any claim against the Management, however, insofar as Provident Fund and Gratuity is concerned, there is no mention, which otherwise the workmen would be entitled to. Therefore, to that extent para-36 of the order may be clarified.



W.P. Nos.18996/2021, Batch

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3. On the above submissions, this Court heard the learned counsel appearing for the Management, who has no objection to incorporation of the said clause in the order.

4. A perusal of the order dated 12.10.2023, more particularly para-35 and para-36 reveals that though this court had fixed the amount in respect of each workmen in para-35 of the order, which the individual workmen would be entitled to receive in full quit as against any claim against the Management, however, there is no mention about the entitlement of the workmen towards provident fund and gratuity. In view of there being no objection on behalf of the workmen, para-36 of the order dated 12.10.2023 shall stand modified as hereunder :-

“36. It is made clear that the workmen herein would not be entitled for any amount over and above the amount, as has been ordered by this Court, as the said amount is ordered in full quit against any claim that the workmen may have against the Management except Provident Fund and Gratuity, if otherwise eligible. The



W.P. Nos.18996/2021, Batch

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Management/petitioner is directed to pay the aforesaid amount to the workmen within a period of four weeks from the date of receipt of a copy of this order failing which the amount would carry interest at the rate of 9% p.a. from today till the date of payment."

4. Registry is directed to carry out the necessary corrections and issue fresh order copy to the parties.

28.11.2023

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W.P. Nos.18996/2021, Batch

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