



W.P.Nos.23151, 25832 of 2014 & 8631, 8639 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.08.2023

CORAM:

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

W.P.Nos.23151, 25832 of 2014 & 8631, 8639 of 2015
and M.P.No. 1 & 1 of 2014

W.P.No.23151 of 2014 :-

The Management
Waverly Estate,
Rep. by its Proprietor,
A.Vimalan (Died)
Nagalur, Yercaud,
Salem District.

Proprietor Substituted by
V.J.Sabarish Adithya
vide order dated 15.09.2021
made in W.M.P.No.16362 of 2021
in W.P.No.23151 of 2014

...Petitioner

-Vs-

1. The Presiding Officer,
Labour Court,
Salem.

2. Pappu

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India
praying to issue a Writ of Certiorari, calling for the records of the first
respondent Presiding Officer, Labour Court, Salem, dated 22.01.2014



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made in I.D.No.530 of 2004 and quash the same insofar as the granting of 25% back wages with continuity of service to the second respondent herein.

For Petitioner : Mr. G.Jermiah
For Respondents
R1 : Court
For R2 : Ms.C.S.Monica

W.P.No.25832 of 2014 :-

The Management
Waverly Estate,
Rep. by its Proprietor,
A.Vimalan (Died)
Nagalur, Yercaud,
Salem District.

Proprietor Substituted by
V.J.Sabarish Adithya
vide order dated 31.10.2019
made in W.M.P.No.20645 of 2018
in W.P.No.25832 of 2014

...Petitioner

-Vs-

1. The Presiding Officer,
Labour Court,
Salem.

2. Rathinam

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, calling for the records in Award dated 22.01.2014 made in I.D.No.525 of 2004 on the file of the Labour Court, Salem, the first respondent herein and quash the same.



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For Petitioner : Mr. G.Jermiah
For Respondents
R1 : Court
For R2 : Ms.C.S.Monica

W.P.No.8631 of 2015 :-

Pappu

...Petitioner

-Vs-

1. The Presiding Officer,
Labour Court,
Salem.
2. The Management of Waverly Estate,
Rep. by its Proprietor,
A.Vimalan (Died)
Nagalur, Yercaud,
Salem District.

Proprietor Substituted by
V.J.Sabarish Adithya
vide order dated 27.10.2021
made in W.M.P.No.23871 of 2021
in W.P.No.8631 of 2015

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records of the first respondent pertaining to the award passed by the first respondent dated 22.01.2014 made in I.D.No.530 of 2004 and quash the same insofar as denial of 75% back wages to the petitioner herein and consequently direct the second respondent herein to pay 75% back wages to the petitioner herein.



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For Petitioner : Ms.C.S.Monica
For Respondents
R1 : Court
For R2 : Mr. G.Jermiah

W.P.No.8639 of 2015 :-

R.Rathinam

...Petitioner

-Vs-

1. The Presiding Officer,
Labour Court,
Salem.
2. The Management of Waverly Estate,
Rep. by its Proprietor,
A.Vimalan (Died)
Nagalur, Yercaud,
Salem District.

Proprietor Substituted by
V.J.Sabarish Adithya
vide order dated 04.01.2022
made in W.M.P.No.23079 of 2021
in W.P.No.8639 of 2015

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records of the first respondent pertaining to the award passed by the first respondent dated 22.01.2014 made in I.D.No.525 of 2004 and quash the same insofar as denial of 75% back wages to the petitioner herein and consequently direct the second respondent herein to pay 75% back wages to the petitioner herein.



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For Petitioner : Ms.C.S.Monica
For Respondents
R1 : Court
For R2 : Mr. G.Jermiah

COMMON ORDER

The writ petitions in W.P.Nos.8631 & 8639 of 2015 are filed by the workmen challenging award passed in I.D.Nos.530 & 525 of 2004, respectively, insofar as the denial of 75% of back wages. The other two writ petitions in W.P.Nos.23151 & 25832 of 2014 are filed by the Management challenging the award passed in I.D.Nos.530 & 525 of 2004, respectively, in entirety.

2. While pending the writ petitions, both the petitioners in W.P.Nos.8631 & 8639 of 2015 were reinstated into service. Admittedly both are daily labourers and they are working in the coffee estate belonged to the second respondent. One of the petitioner aged about 80 years. Further while pending the writ petitions, the Management also paid a sum of Rs.2,50,000/- each to the workmen. It comes around more than 50% of back wages.



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3. Therefore, the question of challenging the reinstatement into service and 25% of back wages does not arise, since the Management complied the same. Therefore, both writ petitions filed by the Management are liable to be closed.

4. Insofar as the writ petitions filed by the workmen are concerned, already the Management paid 50% of the back wages and also reinstated them into work. Considering the facts and circumstances, it would be appropriate to direct the Management to pay another sum of Rs.25,000/- each to the workmen and it would suffice for the entire back wages during their non-employment period.

5. Accordingly, the Management viz., the Management of Waverly Estate, is directed to pay a sum of Rs.25,000/- (Rupees twenty five thousand only) each to the workmen directly, within a period of twelve weeks from today. It is made clear that their continuity of service to be calculated for considering the terminal benefits, if any.



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6. In the result, the writ petitions in W.P.Nos.23151 & 25832 of 2014 are closed and the writ petitions in W.P.No.8631 & 8639 of 2015 are disposed of. Consequently, connected miscellaneous petitions are closed. There shall be no order as to cost.

07.08.2023

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

Note : Issue order copy on or
before 09.08.2023
rts

G.K.ILANTHIRAIYAN, J.

This matter is posted today before this Court under the caption 'For Being Mentioned' at the instance of the learned counsel for the petitioner/ Management.

2. The learned counsel for the petitioner/Management submitted that this Court by an order dated 07.08.2023, directed the Management to pay a sum of Rs.25,000/- each to the workmen directly and their continuity of service to be calculated for considering the terminal



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benefits. He further submitted that some statutory dues are there and therefore, he prayed for necessary clarification.

3. Considering the submission made by the learned counsel for the petitioner, the paragraph No.5 of the order dated 07.08.2023, passed in W.P.Nos.23151, 25832 of 2014 & 8631, 8639 of 2015, is read as follows:-

“5. Accordingly, the Management viz., the Management of Waverly Estate, is directed to pay a sum of Rs.25,000/- (Rupees twenty five thousand only) each to the workmen directly, within a period of twelve weeks from today. It is made clear that their continuity of service to be calculated for considering the terminal benefits, if any, after deducting 50% of all statutory dues”

4. Registry is directed to carryout necessary amendment in the order and issue order copy afresh.

25.08.2023

rts



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To

1. The Presiding Officer,
Labour Court,
Salem.



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G.K.ILANTHIRAIYAN. J.

rts

W.P.Nos.23151, 25832 of 2014 &
8631, 8639 of 2015 and
M.P.No. 1 & 1 of 2014

07.08.2023