



C.M.P.No.3912 of 2022 in W.A.No.636 of 2012

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THE HON'BLE ACTING CHIEF JUSTICE
and
D.BHARATHA CHAKRAVARTHY, J.

(Order of the Court was made by the Hon'ble Acting Chief Justice)

This petition has been filed by the petitioner to modify the phrase "and dues payable to the workers were also settled" found in the first paragraph of the order dated 24.06.2021 in W.A.No.636 of 2012.

2. Mr.S.T.Varadarajalu, learned counsel for the petitioner, submitted that W.A.Nos.636, 637 and 638 of 2012 were taken up and closed on 24.6.2021 based on the statement made by learned counsel for the appellant that the appellant company was closed in the year 2017 and dues payable to the workers were settled. Learned counsel for the petitioner would submit the aforesaid submission of learned counsel for the appellant/first respondent herein recorded in the judgment dated 24.6.2021 is incorrect and the same needs to be modified. According to learned counsel for the petitioner, the amount due towards provident fund, gratuity and difference in wages payable



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to the petitioner has not been paid till date. Therefore, the phrase “dues payable to the workers were also settled” found in the first paragraph of the judgment dated 24.6.2021 made in W.A.No.636 of 2012 requires to be modified.

3. In reply, Mr.Abdul Wahab, learned counsel representing M/s.K.V.Subramanian and Associates appearing for the first respondent/appellant, placing on record the Award of the Labour Court, Vellore dated 21.11.2007 in I.D.No.81 of 2003 (*G.Teekaraman v. The Management, M/s.Tamil Nadu Industrial Explosives Limited, Tel Post, Vellore-59*), more particularly paragraph 9, submitted that while setting aside the order of termination of the petitioner from service, the Labour Court recorded its categorical finding that the petitioner is not entitled to claim backwages and all other benefits from the appellant company. Thus, the order of the Labour Court clearly shows that the Industrial Dispute raised in respect of backwages and all other benefits was dismissed. Therefore, there is no need to modify the phrase “dues payable to the workers were also settled” found in paragraph 1 of the judgment dated 24.06.2021.



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4. Considering the submissions made by learned counsel appearing on either side and also taking into account the categorical finding recorded by the Labour Court in its Award dated 21.11.2007 in I.D.No.81 of 2003 that the petitioner is not entitled to claim backwages and all other benefits from the appellant company, the argument of learned counsel for the petitioner that the petitioner G.Teekaraman was not paid provident fund, gratuity and difference in wages, cannot be accepted and the judgment dated 24.06.2021 in W.A.No.636 of 2012 does not warrant any modification.

5. Accordingly, C.M.P.No.3912 of 2022 is dismissed.

(T.R., ACJ.) (D.B.C.,J.)
15.03.2023

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