



W.P.No.23510 of 2019 & W.M.P. Nos.23301 & 23302 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.12.2023

CORAM :

THE HONOURABLE MRS. JUSTICE R.HEMALATHA

W.P.No.23510 of 2019 & W.M.P. Nos.23301 & 23302 of 2019

The Management of Madras Guage Room Equipments
Pvt. Limited

D2, Ambattur Industrial Estate,
Chennai 600 058

... Petitioner

Vs.

P.Babu

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of certiorari calling for the records pertaining to the orders dated 06.09.2018 of the I Additional Labour Court, Chennai, in C.P. No.175/2018 and to quash the same.

For Petitioner : Mr.S.V. Karthikeyan
For Respondent : Mr.C. Srikanth

ORDER

Challenge in this Writ Petition is made to the order dated 06.09.2018 of the I Additional Labour Court, Chennai, in C.P.No.175/2018.



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2. The brief facts of the case are as follows:

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The respondent joined as a worker in the Writ Petitioner Management since 1977 and he was terminated from service with effect from 12.03.1985. Thereafter, the respondent filed a petition in I.D.No.7/1991 under Section 10(1) (c) of the Industrial Disputes Act, 1947 (in short 'ID Act') before the I Additional Labour Court, Chennai. After an elaborate enquiry, an Award dated 03.06.1998 was passed by the I Additional Labour Court, Chennai, directing the Writ Petitioner Management to reinstate the respondent into service with full back wages, continuity of service and other attendant benefits. Since the Management failed to implement the Award passed by the Labour Court, Chennai, the respondent filed a petition under Section 33 C (2) of the ID Act in C.P. No.29/1999 claiming back wages from the date of dismissal i.e. 12.03.1985 to 12.01.1999. The Labour Court, Chennai, vide orders dated 14.07.1999, quantified the amount payable to the respondent as Rs.1,16,200/-. Since the said amount was not paid, the respondent filed a petition to recover the said amount under the Revenue Recovery Act and the Tahsildar, Ambattur, Thiruvallur District, issued a Dstraint order under Section 8 of the Tamil Nadu Revenue Recovery Act in his



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proceedings R.C. No.4517/2001/A4 dated 22.02.2017 as per the directions of the District Collector, Thiruvallur. This was challenged by the Writ Petitioner in W.P. No.7131 of 2017. The said petition was disposed of since the present Writ Petitioner paid Rs.1,16,700/- (Award amount + costs). Since the Writ Petitioner subsequently did not implement the Award passed by the I Additional Labour Court, Chennai in I.D. No.7/1991, the respondent herein filed another petition under Section 33 C (2) of the ID Act in C.P.No.175/2018 before the Presiding Officer, I Additional Labour Court, Chennai. The Presiding Officer, I Additional Labour Court, vide his orders dated 06.09.2018, quantified the amount payable by the Writ Petitioner to the respondent as Rs.9,87,992/-, challenging which the present Writ Petition is filed by the Management.

3. Mr.S.V. Karthikeyan, learned counsel for the Writ Petitioner would contend that the petitioner Unit was closed way back in the year 1998 and it was not brought to the knowledge of the Labour Court. According to him, the amount quantified by the Presiding Officer is also not correct.



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4. Per contra, Mr.C. Srikanth, learned counsel for the respondent would contend that the petitioner Unit has not been closed as alleged by the Writ Petitioner and that they have paid the amount of Rs.1,16,700/- in the year 2019. According to her, the Labour court had passed a well reasoned order and therefore no interference is called for by this Court.

5. Though it is contended by the learned counsel for the Writ Petitioner that their unit is closed, no records were produced to substantiate the same. Moreover, the Writ Petitioner Management did not participate in the proceedings in C.P. No.175/2018 and in fact was set ex parte. In the earlier Writ Petition in W.P. No.7131/2017 which was filed by the Writ Petitioner, challenging the Distraint order issued by the Tahsildar, Ambattur under Section 8 of the Tamil Nadu Revenue Recovery Act, the petitioner paid the entire Award amount of Rs.1,16,700/- to the present respondent in the year 2019. Therefore, it cannot be stated that the Writ Petitioner unit has been closed. The contention of the counsel for the Writ Petitioner that the amount was not properly computed by the Presiding Officer, I Additional Labour Court,



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Chennai has not also been substantiated. It was not explained as to where exactly the Labour Court went wrong in computing the amount. In fact it is seen from the orders passed by the Presiding Officer, Labour Court, Chennai, that though the respondent had sought for salary arrears for the period 13.01.1999 to 25.11.2016, the Labour Court had taken into account the date of birth of the respondent and held that he is entitled to claim salary only upto 25.11.2013 as he had attained superannuation on that day. The respondent had also furnished details of wages paid to the other similarly placed employees and based on the same the Labour Court quantified the amount payable to the respondent as Rs.9,87,992/-. In the circumstances, I do not see any reason to interfere with the orders passed by the I Additional Labour Court, Chennai. Accordingly, the Writ Petition is dismissed. No costs. Consequently, connected Writ Miscellaneous Petitions are closed.

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Speaking /Non speaking Order



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R.HEMALATHA, J.

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