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W.P.No.27236 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.09.2023

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.27236 of 2019

B.Premavathy

... Petitioner

Vs.

1.M/s.K.G.S.Spinner
2.S.Sreekanth
3.S.Radhika

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari to call for the records on the file of the Additional Labour Court, Coimbatore made in C.P.No.1 of 2014 dated 23.07.2019 and quash the same.

For Petitioner : Mrs.R.Pushpalatha
For Respondents : Mr.S.R.Sundar

ORDER

The petitioner has filed this writ petition seeking issuance of Writ of Certiorari to call for the records on the file of the Additional



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Labour Court, Coimbatore made in C.P.No.1 of 2014 dated 23.07.2019 and to quash the same.

2.The case of the petitioner is that the petitioner filed computation petition under Section 33 C(2) of the Industrial Disputes Act before the Additional Labour Court, Coimbatore, seeking to compute the monetary benefits due to her at Rs.10,10,562/- (arrears of wages Rs.4,34,304/- + Rs.4,34,304/-, Bonus Rs.36,192/- + Rs.36,192/-, National and Festival Holidays Wages Rs.25,026/- and Leave Wages Rs.41,544/-) for the period from 1985 to 1993 and April, 1995 to July, 2003 and to direct the respondents to pay the said amount along with 18% interest and costs, however, the Labour Court passed the impugned order rejecting the claim of the petitioner. Challenging the same, the petitioner has filed this writ petition.

3.The learned counsel appearing for the petitioner submitted that the impugned order was passed on the ground that the first respondent Mill itself was closed and it became non functional from 10.04.1995 and the petitioner was not in employment from the year 1995 onwards and that the petitioner has chosen to file the computation petition after 18 years from the date of closure of the first



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respondent Mill. The learned counsel further submitted that there is no limitation prescribed for filing computation petition and in the absence of any limitation, the Labour Court ought to have considered the computation petition on merits and in accordance with law, however, mechanically rejected the same.

4.The learned counsel appearing for the petitioner further submitted that earlier the petitioner filed computation petition in C.P.No.315 of 2008 before the Labour Court seeking salary, bonus and other benefits from March to April, 1995 and the said petition was allowed by the Labour Court and aggrieved by the same, the respondents filed W.P.No.14647 of 2016 and this Court vide order dated 25.07.2023 made in the said writ petition directed the Labour Court to disburse the amount deposited by the Management to the petitioner. C.P.No.315 of 2008 was filed by the petitioner for different period and C.P.No.1 of 2014 was filed by the petitioner for different period, however, C.P.No.315 of 2008 was allowed by the Labour Court and C.P.No.1 of 2014 was rejected by the Labour Court is impermissible one.



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5.Per contra, the learned counsel appearing for the respondents submitted that the petitioner earlier filed C.P.No.315 of 2008 before the Labour Court seeking salary, bonus and other benefits from March to April, 1995 and the said petition was partly allowed by the Labour Court directing the Management to pay salary to the tune of Rs.5,160/- for the period from 01.03.1995 to 10.04.1995 and bonus for the year 1993 – 1994 and aggrieved by the same, the respondents filed W.P.No.14647 of 2016 and this Court vide order dated 25.07.2023 directed the Labour Court to disburse the amount deposited by the Management to the petitioner. However, the present computation petition has been filed not based on the pre-existing rights but based on presumption and assumption, which cannot be entertained.

6.Heard the arguments advanced on either side and perused the materials available on record.

7.The facts in the present case is not in dispute. Admittedly, the petitioner earlier filed C.P.No.315 of 2008 before the Labour Court seeking salary, bonus and other benefits from March to April, 1995 and



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the said petition was partly allowed by the Labour Court directing the Management to pay salary to the tune of Rs.5,160/- for the period from 01.03.1995 to 10.04.1995 and bonus for the year 1993 – 1994 and the same was confirmed by this Court in W.P.No.14647 of 2016 on 25.07.2023.

8.However, the petitioner has filed C.P.No.1 of 2014 under Section 33 C(2) of the Industrial Disputes Act before the Additional Labour Court, Coimbatore, seeking to compute the monetary benefits due to her at Rs.10,10,562/- (arrears of wages Rs.4,34,304/- + Rs.4,34,304/-, Bonus Rs.36,192/- + Rs.36,192/-, National and Festival Holidays Wages Rs.25,026/- and Leave Wages Rs.41,544/-) for the period from 1985 to 1993 and April, 1995 to July, 2003.

9.This Court is unable to understand as to which prevented the petitioner to claim the relief sought for in the present computation petition in the earlier computation petition along with the claim therein. It is for the petitioner to raise claim petition before the proper Authority and not before Labour Court. Hence, the impugned order warrants no interference.



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M.DHANDAPANI,J.
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10.The writ petition is accordingly dismissed. No costs.

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

To

1.The Additional Labour Court,
Coimbatore.

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