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W.P.Nos.9237 to 9241 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.07.2023

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.Nos.9237 to 9241 of 2017

and

W.M.P.Nos.10190 to 10194 of 2017

and

W.M.P.Nos.4546, 4548, 4549, 4551 and 4552 of 2020

The Management,
M/s.Venkateswara Electrical Industries Private Limited,
New No.74, Old No.121,
Kundrathur Road, Porur,
Chennai - 600 116.

... Petitioner
in all W.Ps

Vs.

1. The Presiding Officer,
Honourable I Additional Labour Court,
Chennai - 600 104.

... 1st Respondent
in all W.Ps

2. T.K.Murugan

... 2nd Respondent
in W.P.No.9237 of 2017

3. J.Kanagaraj

... 2nd Respondent
in W.P.No.9238 of 2017



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4. E.Murugan

... 2nd Respondent
in W.P.No.9239 of 2017

5. K.Logeswaran

... 2nd Respondent
in W.P.No.9240 of 2017

6. G.Gunasekaran

... 2nd Respondent
in W.P.No.9241 of 2017

COMMON PRAYER : Petitions filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorari, calling for the records in C.P.Nos.1861 to 1865 of 2011 on the file of the I Additional Labour Court, Chennai, the first respondent herein, to quash the order dated 04.05.2016 passed therein.

For Petitioner
in all W.Ps : Mr.M.R.Raghavan

For Respondents
in all W.Ps : R1 - Labour Court
Mr.S.Ravi for R2

COMMON ORDER

The Management has filed the present Writ Petitions challenging the order of the Labour Court by order dated 04.05.2016 in C.P.Nos.1861 to 1865 of 2011. The second respondent in each of the Writ Petitions were working with the petitioner / Management.



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2. Since the issue raised in all these Writ Petitions is one and the same, with the consent of the learned counsel appearing for both sides, all these Writ Petitions are heard together and are disposed of by this common order.

3. For the sake of convenience, the details of each of the employee in respective Writ Petitions is tabulated as under for the purpose of disposal of the Writ Petitions:

<i>S.No</i>	<i>W.P.Nos.</i>	<i>Employees Name</i>	<i>Date of dismissal</i>	<i>I.D.Nos.</i>	<i>Date of award</i>
1	9237/2017	T.K.Murugan	19.11.2002	549/2003	02.06.2009
2	9238/2017	J.Kanagaraj	18.01.2007	Complaint No.2/2007 in I.D.No.1/2004	07.10.2009
3	9239/2017	E.Murugan	23.04.2002	77/2003	02.04.2009
4	9240/2017	K.Logeswaran	23.04.2002	78/2003	02.04.2009
5	9241/2017	G.Gunasekaran	18.01.2007	Complaint No.1/2008 in I.D.No.1/2004	30.12.2009

4. The case of the petitioner / Management is that the second respondent in each of the Writ Petition were working with the petitioner /



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Management and they were dismissed from service on the relevant dates as per the column mentioned above. As against the order of dismissal, the employees filed Industrial Disputes, in which, awards were passed directing the petitioner / Management to reinstate the employees along with continuity of service and 30% backwages. Pursuant to the said awards, the employees filed individual computation petition in C.P.Nos.1861 to 1865 of 2011. All these computation petitions were disposed of by individual order dated 04.05.2016 computing the backwages to be paid to each of the employee calculated on the basis of the Minimum Wages Act. Challenging the same, the present Writ Petitions are filed by the petitioner / Management.

5. The learned counsel for the petitioner / Management challenges the impugned orders on the ground that the Labour Court ought not to have computed the backwages to be paid to each of the workman as per the Minimum Wages Act instead of the wages last drawn by them and hence, the impugned orders are liable to be set aside. The learned counsel for the



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petitioner / Management is ready and willing to calculate and pay 30% backwages as per the minimum wages to be paid to each of the workman. But, however submits that this Court may direct the amount to be computed from the date of dismissal till the date of award. Hence, he seeks indulgence of this Court to modify the award to that extent.

6. The learned counsel for the second respondent / workman in each of the Writ Petition supports the order passed by the Labour Court in the computation petitions and as it is just fair and equitable. He further submits that at the time of admission of the Writ Petitions, interim stay was granted and thereby, the awards could not be executed. Since the workmen in each of the Writ Petition are not gainfully employed elsewhere, the indulgence of this Court is sought for to sustain the awards so that the backwages as ordered by the Labour Court is paid by the petitioner / Management.



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7. In view of the fair submission made by the learned counsel appearing for both sides, this Court is inclined to pass the following order:

"(i) the order passed by the Labour Court dated 04.05.2016 in C.P.Nos.1861 to 1865 of 2011 is set aside.

(ii) the respective awards dated 02.06.2009, 07.10.2009, 02.04.2009, 02.04.2009 and 30.12.2009 with respect to each of the workman in respective Writ Petitions is modified to the extent that the backwages payable to each of the workman shall be 30% backwages to be calculated on the basis of minimum wages.

(iii) The above computation shall be paid from the date of dismissal till the date of award in respect to each of the workman in the respective Writ Petitions.

(iv) The date of award and the date of dismissal are covered in the tabular column stated *supra*.

(v) The petitioner / Management shall complete the exercise of calculating the backwages as stated above and pay the same to each of the workman in the respective Writ Petitions within a period of four weeks from the date of receipt of a copy of this order."



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8. With the above observations and directions, these Writ Petitions are disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

27.07.2023

NCC: Yes / No
Index : Yes / No
Speaking Order : Yes / No

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To

The Presiding Officer,
I Additional Labour Court,
Chennai - 600 104.



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M.DHANDAPANI, J.

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