



WP.No.25334 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.08.2023

CORAM :

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.25334 of 2017

Tamil Nadu Thiraiarangu
Thozhilalargal Sangam, rep.
by its General Secretary
Chennai-94.

...Petitioner

Vs

1.The Presiding Officer,
Principal Labour Court,
Chennai-104.

2.The Management of TNK
Govindaraju Chetty & Co.
Pvt. Ltd., rep.by its
Managing Director, Devi
Group of Theatres, No.48,
Anna Salai, Chennai-2.

...Respondents

PETITION under Article 226 of The Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus to call for the records pertaining to the award passed by the Principal Labour Court, Chennai in I.D.No.15 of 2012 dated 13.4.2017, quash the same and consequently allow the industrial dispute raised by the petitioner.

For Petitioner	:	Mr.SP.Srinivasan
For Respondent-2	:	Mr.M.R.Dharanichander



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ORDER

This is a petition filed by the petitioner seeking to quash the award dated 13.4.2017 passed by the first respondent in I.D.No.15 of 2012 and to allow the industrial dispute raised by the petitioner.

2. The facts leading to filing of this case are as follows :

(i) The petitioner union raised several demands by way of disputes, out of which, four such disputes were referred to the first respondent. They are : (1) educational and marriage loan; (2) festival loan; (3) house rent allowance; and (4) food allowance during overtime. The petitioner had the salary slips of the employees, who were working in the other theatres in the Chennai City where the theatre employees were given city compensatory allowance, house rent allowance, special allowance, transport allowance and overtime allowance. The alleged settlement under Section 18(1) of the Industrial Disputes Act, 1947 arrived by the second respondent with the Madras Cinema Theatre Employees Union was sham and collusive, as the said Madras Cinema Theatre Employees Union never existed.



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(ii) The second respondent spent several crores of rupees for renovating four cinema theatres during 2009-10 and this would show that their revenue was on the increase. The second respondent removed the permanent employees and started engaging people temporarily. The second respondent had no interest to safeguard the welfare of the workmen and instead created forged and fabricated documents to show that the marriage expenses and medical allowances were being paid to their employees.

(iii) However, by the impugned award, their claims were rejected in entirety on the ground that the financial position of the second respondent was far from satisfactory.

(iv) With regard to the demand for educational and marriage expenses as well as for festival loan, the management has already been providing the same and would provide in future. The grievance of the petitioner is that the demand with regard to house rent allowance and food allowance during overtime ought to have been allowed as they are being granted in the other cinema theatres. Therefore, challenging the impugned award, the petitioner is before this Court.



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3. Learned counsel for the petitioner union would submit that the grievance of the workers of the petitioner union is that many concerns like that of the respondent management are granting house rent allowances and marriage expenses and certain other benefits, however, the respondent management is not granting such benefits to their employees. The petitioner has placed all the necessary documents before the Labour Court relating to the demands raised by the workers of the petitioner union. However, without properly ascertaining to the facts of the case, the Labour Court has mechanically rejected the claim of the petitioner union which is not sustainable and accordingly the same requires interference.

4. Per Contra, learned counsel appearing for the 2nd respondent management would submit that the petitioner union has no *locus standii* to raise the present dispute since the management had already entered into a long term wage settlement in the year 2010 under Section 18(1) of the Industrial Disputes Act with the Madras Cinema Theatre Employees Union which was found in the year 1995 by the employees of the respondent company and all the employees of the respondent are receiving various



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benefits agreed to be paid under that settlement. However, after receiving benefits under the settlement, the workers cannot raise demands through some other union i.e., petitioner union. Hence, the claim of the petitioner union for certain other benefits cannot be entertained. Accordingly, he prays for dismissal of this Writ Petition.

5. Heard the learned counsel appearing for the petitioner union as well as the 2nd respondent management and perused the materials available on record.

6. Admittedly, the petitioner union raised a charter of demands before the Conciliation Officer, pursuant to which, the State Government of Tamil Nadu vide G.O.No.6, Labour and Employment Department dated 04.01.2012 referred the dispute in I.D.No.15 of 2012 before the 1st respondent/Labour Court, wherein, the Labour Court had rejected the demands raised by the petitioner union holding that the demands made are not justified.



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7. A perusal of the impugned award reveals that the Labour Court has elaborately considered all the material and oral evidences filed in support of the contentions advanced by the learned counsel for the petitioner union as well as the respondent management and has also taken into consideration all the factual aspects while passing the award. It is seen from the award that the issue which has been gone into by the Labour Court is not that as to whether the petitioner union being a minority union has a *locus standi* to raise the present dispute, rather it was on the financial situation of the respondent management for granting the benefits sought for by the workers of the petitioner union and it is seen that the documents based on which the Labour Court has come to the conclusion have also been elaborately discussed by the Labour Court from which it is evident that it has rightly rejected the claim of the petitioner union.

8. It is the claim of the petitioner union that similar theatres are granting such benefits to their employee and, therefore, the respondent cannot reject the claim of the petitioner. However, it is seen from the



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materials available on record that the union has not produced any evidence to substantiate their claim. Further, the similarity of the concern claimed by the petitioner Union cannot be equated to that of the respondent as the other theatres are a chain of theatres, which are granting the said benefit, but the respondent is a single entity and, therefore, drawing a parallel by claiming similarity is impermissible. In the absence of any credible material to show that the concerns similar to that of the respondent are granting benefits to their workers, the claim has been rightly rejected by the Labour Court taking into consideration the situation of the respondent management. Hence, this Court does not find any perversity in the award passed by the Labour Court in I.D.No.15 of 2012 which cannot be interefered with.

9. For the reasons aforesaid, the Writ Petition is devoid on merts and the same is dismissed accordingly. There shall be no order as to costs.

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Index : Yes (or) No
Neutral Citation : Yes (or) No
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M.DHANDAPANI, J

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To

The Presiding Officer,
Principal Labour Court,
Chennai-104.

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