



WEB COPY



W.A. No.1368 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.06.2023

CORAM:

THE HON'BLE MR. JUSTICE S. VAIDYANATHAN

and

THE HON'BLE MR. JUSTICE K. RAJASEKAR

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1. E. Ganapathy
2. R. Chinnadurai
3. K. Megaraj
4. Babu
5. P. Vinayagam
6. C. Manikandan
7. V. Desan
8. V. Veeramani
9. S. Anandan
10. S. Babu
11. N. Raja
12. K. Ganesan
13. N. Shankar
14. A. Sundaravelu
15. P. Subramani
16. N. Saravanan
17. K. Vijayan
18. A. Srinivasan
19. E. Subakaran
20. R. Krishnamoorthy
21. S. Kumar
22. A. Kumareasan
23. P. Anandan
24. D. Nataraj
25. S. Sekar
26. D. Perumal



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27. M. Sethuraman
28. S. Srinivasan
29. A. Venkatesan
30. P. Sabapathy
31. G. Narasimman
32. K. Sugumar
33. M. Koti
34. S. Murthy
35. M. Vijayakumarr
36. D. Nellakalaiselvam
37. V. Kothandan
38. V. Ramesh
39. T. Loganathan
40. Saloman
41. P. Ramadoss
42. M. Parasuraman
43. R. Babu
44. S. Harikrishnan
45. R. Ramesh
46. K. Anandan
47. K. Narasimman
48. C. Dasaradan
49. N. Raghu
50. M. Kumar
51. M. Dhandapani
52. R. Thirthagiri
53. C. Dillibabu
54. G. Mohan
55. P. Palayathan

Appellants

v

1. The Presiding Officer
Principal Labour Court
Vellore
2. The Management of Sri Munipachaiappan
Textiles Pvt. Ltd.
Ippedu Village
Sholingur
Vellore District

Respondents



W.A. No.1368 of 2021

Writ Appeal filed under Clause 15 of the Letters Patent challenging the order dated 12.04.2017 passed in W.P. No.30866 of 2016.

For appellants Ms. Ramapriya Gopalakrishnan
for Mr. K. Sudalaikannu

R1 Labour Court

For R2 Mr. S. Ravindran
Senior Counsel
for Mr. R.S. Pandiyaraj

JUDGMENT

This writ appeal has been filed calling into question the legality and validity of the order dated 12.04.2017 passed in W.P. No.30866 of 2016, which was filed by the appellants herein challenging the common award dated 28.04.2015 passed in the respective industrial disputes filed by them, insofar as the direction to grant less than minimum wages, viz., Rs.5,500/- per month and ordering reinstatement, subject to certain other legal proceedings.

2 For the sake of clarity and to avoid prolixity, the parties will be referred to by their rank in the present writ appeal.

3 A vignette of the facts is as under:



3.1 The appellants, having been terminated by the second respondent Management for the alleged abandonment of work, raised industrial disputes individually before the first respondent Labour Court, seeking reinstatement with continuity of service, backwages, all other attendant benefits, *etc.*

3.2 The Labour Court, by a common award passed on 28.04.2015, ordered *inter alia* that:

- (a) the appellants shall be reinstated into service, of course, with certain conditions;
- (b) the appellants' entitlement to backwages and all other attendant benefits is subject to the outcome of the disputes referred to the Industrial Tribunal as per Ex.W.70/Government Order, regarding fairness of action on the part of the employer in connection with non-employment; and
- (c) as an interim arrangement, the appellants shall be paid Rs. 5,500/- per month as minimum wages, as against the sum of Rs.5,900/- agreed to by the second respondent Management themselves in the Lok Adalat proceedings.

3.3 Aggrieved by the fixation of minimum wages @ Rs.5,500/- per month and also ordering of reinstatement by the first respondent Labour Court, subject to certain other legal proceedings, *vide* award dated 28.04.2015, the



appellants preferred W.P. No.30866 of 2016, wherein, by order dated 12.04.2017, a Single Bench of this Court held that the appellants be paid a sum of Rs.10,206.60 per month as minimum wages.

3.4 The aforesaid order passed by the Single Bench was appealed against by the second respondent Management in W.A. No.918 of 2017, in which, a Division Bench, *vide* judgment dated 19.03.2019, reduced the minimum wages of Rs.10,206.60/- per month fixed by the Single Bench, to Rs.9,669/- and allowed the writ appeal in part.

3.5 The appellants, for their part, have assailed the order of the Single Bench, in the present writ appeal, on the grounds that the Single Bench has not granted minimum wages from the date of reinstatement and has not decided the issue as to whether the appellants are entitled to backwages from the date of termination till their reinstatement.

4 Heard Ms. Ramapriya Gopalakrishnan, learned counsel representing Mr. K. Sudalaikannu, learned counsel on record for the appellants and Mr.S.Ravindran, learned Senior Counsel, representing Mr. R.S. Pandiyaraj, learned counsel on record for the second respondent Management.



5

At the threshold, it is worth pointing out that if the order dated 12.04.2017 of the Single Bench is set aside as sought by the appellants, then, the appellants would be getting less than the wages demanded by them. That apart, in W.A.No.918 of 2017 adverted to above, the Division Bench of this Court reduced the minimum wages per month payable to the appellants from Rs.10,206.60/- fixed by the Single Bench, to Rs.9,669/-.

6

The learned counsel for the appellants submitted that the appellants have filed a petition for modification of the judgment dated 19.03.2019 passed by the Division Bench in W.A. No.918 of 2017, as, according to them, the Division Bench ought to have directed the second respondent Management to pay minimum wages, as and when revised.

7

It is beyond cavil that the appellants were workers in the textile industry and there was no minimum wages fixed for workers in the textile industry as on the date of the award passed by the Labour Court. However, as already stated, the Single Bench fixed the minimum wages payable per month as Rs.10,206.60 as against the amount of Rs.5,500/- fixed by the Labour Court and the Division Bench reduced the amount of Rs.10,206.60 to Rs.9,669/-. By means of a clarification petition, the judgment of the Division Bench or the Single Bench



cannot be sought to be modified. If the appellants are aggrieved by the order of the Single Bench or the judgment of the Division Bench, it is open to them to file a review petition. Furthermore, in the instant appeal, the appellants have not sought any relief *qua* their reinstatement. They want minimum wages to be paid, which shall be periodically revised. Be it noted, whether the appellants are entitled to minimum wages or not, cannot be gone into in this writ appeal, more so, after the judgment dated 19.03.2019 passed by the Division Bench of this Court in W.A.No.918 of 2017. Superadded, if the appellants have got a right to get continuity of service, in the light of paragraph 7 of the judgment of the Supreme Court in **Nandkishore Shravan Ahirrao v Kosan Industries (P) Ltd.**¹ or minimum wages, as contended by them, the same cannot be granted by this Court as it is beyond the scope of the prayer sought in the instant writ appeal. However, it is open to the parties to work out their remedies, if any, in accordance with law.

In view of the above discussion, this Court finds no merit in this writ appeal and accordingly, this writ appeal stands dismissed. No costs.

(S.V.N., J.) (K.R.S., J.)
16.06.2023

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S. VAIDYANATHAN, J.

and

K. RAJASEKAR, J.

cad

To

The Presiding Officer
Principal Labour Court
Vellore

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