



W.P.Nos.12525, 12526, 12527, 12528,
12529 & 12530 of 2009

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.12.2024

CORAM:

THE HONOURABLE MR. JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.Nos.12525, 12526, 12527, 12528, 12529
& 12530 of 2009
and MP.Nos.1, 1, 1, 1, 1 & 1 of 2009

In W.P.No.12525 of 2009

The Superintending Engineer
Tamil Nadu Electricity Board
Thiruvannamalai Electricity
Distribution Circle
Thiruvannamalai 606 604

... Petitioner

Vs.

1.The Presiding Officer
Labour Court, Vellore.

2.S.Ramakrishnan

...Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records of the first respondent relating to its order dated 24.03.2005 passed in C.P.No.487 of 2004 and quash the same as illegal and without jurisdiction.

For Petitioner in
all W.P.Nos. : Mr.G.Anand Krishnan
for M/s.AGAM LEGAL

For Respondents in
all W.P.Nos. : R1- Labour Court
R2- Notice served

COMMON ORDER

All these Writ Petitions are connected to each other and as such taken up together and disposed of by this common order.

2. In these Writ Petitions the individual orders passed in the claim petition filed by the respective second respondent is under challenge. By claiming that they have not paid the ex-gratia amount, the second



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respondent in the respective Writ Petitions approached the Labour Court under Section 33 of the Industrial Disputes Act, 1947, to compute the amount payable to them. The Labour Court by the orders impugned has passed orders dated 10.05.2007 computing the amount of ex-gratia payable to them. Aggrieved by the same, the Management is before this Court.

3. When the matter came up for hearing, the learned counsel for the petitioner submitted that the matter is no longer *res integra* and this Court by earlier orders in W.P.Nos.32553 to 32565 of 2002 and W.P.No.22107 of 2013 has held that in the matter of ex-gratia there is no pre-existing right and therefore, the employees cannot directly file a petition under Section 33 C (2) of the Industrial Disputes Act.

4. Eventhough notices were served, the workmen are neither represented by any counsel nor they are appearing in person before this Court.

5. I perused the said two judgments referred by the learned counsel for the petitioner and it is clear that with reference to the petitioner



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Electricity Board itself this Court has held that there is no any pre-existing right with reference to ex-gratia and petitions straight away under Section 33 C of the Industrial Disputes Act are not maintainable.

6. In view thereof, all these Writ Petitions are allowed and the orders passed in C.P.Nos.487, 558, 453, 455, 484 & 463 of 2004 dated 24.03.2005, 10.05.2007 and 08.04.2005 respectively shall stand set aside. No costs. Consequently, connected Miscellaneous Petitions are closed.

16.12.2024

Neutral Citation : No
dna

To

The Presiding Officer
Labour Court, Vellore.



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D.BHARATHA CHAKRAVARTHY, J.

dna

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