



W.P.Nos.37950/2003, 30264/2013 & 27965/2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.11.2024

CORAM:

THE HONOURABLE MR. JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.Nos.37950/2003, 30264/2013 & 27965/2018

and

WPMP.No.46079/2003, WMP.No.18996/2017 & 32527/2018

R.Kuppusamy

... Petitioner in W.P.No.37950/2003

The Management of
The Coimbatore District Co-operative
Milk Producer's Union Ltd.,
Pachapalayam
Coimbatore 10.

... Petitioner in W.P.Nos.27965/2018 & 30264/2013

Vs.

1.The Presiding Officer
Labour Court
Coimbatore.

...Respondents in W.P.Nos.37950/2003 & 30264/2013

2.The Management of Coimbatore District
Co-operative Milk Producer's Union
Via Perur, Pachapalayam
Coimbatore 641 010.

...Respondent in W.P.No.37950/2003

R.Kuppusamy

...Respondent in W.P.No.27965/2018



W.P.Nos.37950/2003, 30264/2013 & 27965/2018

2.R.Kuppusamy

...Respondent in W.P.No.30264/2013

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Prayer in W.P.No.37950/2003: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records in pursuant to the order in C.P.No.122 of 2001 dated 25.07.2002 passed by the first respondent in so far as declining to compute the backwages and other eligible monetary benefits and quash the same and consequently direct the second respondent to pay the backwages and other eligible monetary benefits as prayed in the C.P.No.122 of 2001.

Prayer in W.P.No.27965/2018: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to order in Computation Petition No.25 of 2013 dated 06.12.2017 passed by the Principal Labour Court, Coimbatore and quash the same.

Prayer in W.P.No.30264/2013: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to order in Computation Petition No.148 of 2011 dated 15.12.2012 passed by the Labour Court, Coimbatore, the first respondent herein and quash the same.

For Petitioners in
W.P.No.37950/2003 : Mr.K.Guru Prasad



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W.P.Nos.37950/2003, 30264/2013 & 27965/2018

for Ms.Vanathi Srinivasan

For Petitioners in
W.P.Nos.27965/2018
30264/2013 : Mr.P.Narayanamoorthy

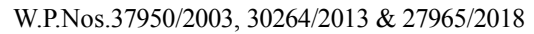
For Respondents
in W.P.No.37950/2003 : Mr.P.Narayanamoorthy for R2
R1 – Labour Court

For Respondents
in W.P.Nos.27965/2018
30264/2013 : Mr.K.Guru Prasad
for Ms.Vanathi Srinivasan for R2

For Respondent
in W.P.No.30264/2013 : R1 – Labour Court

COMMON ORDER

The Writ Petition in W.P.No.37950 of 2003 is filed by the workman aggrieved by the order of the Labour Court dated 25.07.2002 passed in CP.No.122 of 2001 in as much as it computed the backwages only based on the last drawn wages without taking into account the subsequent increment and the present day wage. Similarly, certain other benefits *ex gratia*, bonus etc., were refused to be calculated. Aggrieved by the same,



2. The Workman had filed the Computation Petition No.148 of 2011 which was allowed by an order dated 15.12.2012 and once again the Workman filed a Computation Petition No.25 of 2013 which was allowed by an order dated 06.12.2017. Challenging the said two orders dated 15.12.2012 and 06.12.2017, the Management has filed the Writ Petitions in W.P.Nos.30264 of 2013 and 27965 of 2018 respectively. As such all these three matters are taken up together and disposed of by this common order.

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Senior Factory Assistant Selection Grade as on today. Thus, it can be seen that subsequently service dispute with reference to the Workman has been settled that too on the instance of the Workman by filing of separate Writ Petitions before this Court to consider his representation to regularise him in service. These three Writ Petitions, relate to the earlier period. Originally when the Workman was non employed, in the year 1996, he raised the industrial dispute and ultimately, by an award made in ID.No.227 of 1996, the workman was ordered to be reinstated into service with backwages.

4. In view thereof, the Workman had filed the subsequent Computation Petition in CP.No.122 of 2001 claiming the benefits pursuant to the said award. When the award made in ID.No.227 of 1996 has not been questioned, the action of the Workman in periodically filing the Computation Petition and the Labour Court computing the wages cannot be found fault with. Accordingly, the Writ petitions filed by the Management challenging the Computation orders passed in CP.Nos.25 of 2013 and 148 of 2011 cannot stand in the absence to the challenge award passed in ID.No.227 of 1996. However, with reference to the claim of the Workman is concerned that while



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allowing the Computation Petition in C.P.No.122 of 2001, without taking into

account the current wages the computation is made simply on the last drawn

wages. The said submission has some force. With reference to the other claims

such as Pongal bonus etc., it remains to be seen whether the Workman who

was not under service is entitled to the same or not and as such there is some

dispute with reference to the other payments. However, even with reference to

the back wages, the same is computed by the Labour Court and it has been

ordered to be paid. Therefore, at this distant point of time, especially when

the Workman has since been regularised in service with effect from

01.08.2005 and he is working on a regular basis and he has been granted all

the pay scale and the other benefits and has since been subsequently

conferred selection grade and working as on date, this Court feels that

computation of the wages of the period from 1996 to 2001 and paying the

balance amount would be very difficult exercise to undertake and accordingly

in view of sheer passage of time and in view of the subsequent developments,

I am of the view that the claim made by the Workman in W.P.No.39750 of

2003 need not also be granted.



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5. The learned counsel for the petitioner Workman would also rely upon the judgment of this Court in WP.No.9741 of 2015 for the proposition that once the award of the Labour Court becomes final, the same cannot be called in dispute in a petition under *Section 33C (2)*. I have already rejected the claim of the Management in respect of the computation petitions. The only fact which is taken note of by this Court is that even as per the industrial dispute award, the Workman was directed to be reinstated with back wages. The conferment of permanent status and scale of pay were not subject matter of the industrial dispute which has since been subsequently granted to the Workman and he is now working on a regular basis. In view thereof, the Management would be entitled to adjust the amount already paid towards the computation.

6. With the above observations, all these three Writ Petitions stand disposed of. Consequently, connected Miscellaneous Petitions are closed. No costs.

25.11.2024



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Neutral Citation: No
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To

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- 2.The Management of
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D.BHARATHA CHAKRAVARTHY, J.

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