



WEB COPY



W.P.Nos.14548, 14549 & 14550 of 2004

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.10.2024

CORAM:

THE HONOURABLE Ms.JUSTICE R.N.MANJULA

W.P. Nos.14548, 14549 & 14550 of 2004

1. The Managing Director,
Tamil Nadu Housing Board,
331, Mount Road,
Nandanam,
Chennai – 600 035.
2. The Superintending Engineer,
Vellore Circle,
Tamil Nadu Housing Board,
Sathuvachari, Vellore – 9.
3. The Executive Engineer,
Vellore Housing Unit,
Tamil Nadu Housing Board,
Sathuvachari,
Vellore – 9.

... Petitioners in W.P.
Nos.14548, 14549 & 14550 of 2004

/vs/

- | | | |
|---------------------------------|-----|---------------------------------|
| 1. M.Thillairajan | ... | Respondent in W.P.No.14548/2004 |
| 1. K.C.Sugumaran | ... | Respondent in W.P.No.14549/2004 |
| 1. M.Anbarasu | ... | Respondent in W.P.No.14550/2004 |
| | | |
| 2. The Labour Court
Vellore. | ... | Respondent in all W.P's. |



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Writ Petitions are filed under Article 226 of the Constitution of India to call for the records relating to I.D.Nos.20, 21 & 22 of 2001 made in Common order in I.D.Nos.20 to 22 of 2001 dated 24.04.2003 on the file of the second respondent herein and quash the same.

In all W.P's.:

For Petitioners ... Mr.V.Logesh

For R1 ... Mr.S.T.Varadarajulu

R2 ... Labour Court

COMMON ORDER

These Writ Petitions have been filed challenging the award of the Labour Court dated 24.04.2003 in I.D. Nos.20, 21, 22 of 2021

2. In an Industrial Dispute raised by the first respondents / workmen challenging the order of dismissal, the second respondent / Labour Court has passed a common award allowing the claim for reinstatement and passing the award for reinstatement with back wages and all other attendant benefits. Now the Management has filed these writ petitions challenging the above award.



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3. The one and only contention made by Mr.V.Logesh, the learned counsel for the petitioner is that the respondents are only daily wagers and they will not come under the definition of workmen under 2(s) of the Industrial Dispute Act.

4. However, Mr.S.T.Varadarajulu, the learned counsel for the first respondent submitted that the above issue has already been raised before the Labour Court and the Labour Court has considered this as a preliminary issue and passed a separate order on 24.04.2003 by rejecting the contention of Management and by holding that the respondents would come under the definition of workmen and they are entitled to maintain the Industrial Dispute. Interestingly, the above order dated 24.04.2003 has not been challenged by the Management and it has attained finality and in fact that served the basis for the culmination of these impugned awards.

5. To be noted that pursuant to the award passed in I.D.Nos.20, 21 & 22 of 2001, the petitioners have filed several computation petitions and in which the amount payable to the petitioners pursuant to the award has been



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computed. The above awards passed by the Labour Court in those computation petitions have not been challenged. Only when the execution proceedings were initiated to recover the amount involved in the awards passed in the computation petitions, the petitioner Management appears to have filed a writ petition.

6. From the letter dated 03.09.2013 of the petitioners, it appears that after having obtained the award in the computation petitions on the strength of the award made in the Industrial Disputes, the petitioners have settled a sum of Rs.14,16,865/- through cheques. Before confirming the fact whether the cheques have been actually issued to the first respondents and whether they have been encashed, the fact remains that the above conduct of the petitioners would only show that they have accepted the impugned order passed by the Labour Court. Having accepted the same and also acted upon it by making the alleged payments, nothing remains to be adjudicated in these writ petitions on the grounds raised by the writ petitioners.



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7. It is reiterated that the status of the first respondents as workmen has also been upheld by the Labour Court and the same had attained finality as mentioned already.

8. The learned counsel for the petitioners submitted that even subsequent to the award, the first respondents did not come forward to accept the reinstatement and continued to be in services of the petitioners. These facts can be agitated before the Labour Court if the petitioners filed any Computation Petition claiming wages for the period subsequent to the award till the date of reinstatement.

9. In the result, these writ petitions are dismissed. No costs.

18.10.2024

Index: Yes / No
Speaking order / Non-speaking order
Neutral Citation : Yes / No
bkn

To:

The Labour Court
Vellore.



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R.N.MANJULA ,J.

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