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W.P.No.46431 of 2006

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.12.2024

CORAM:

THE HONOURABLE MR. JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.46431 of 2006

and

MP.No.2 of 2006, MP.No.1 of 2007

& MP.Nos.1 & 2 of 2006

The Management of Kancheepuram
Co-operative Housing Society Limited, No.G-1729
12-A, Sappani Pillai Koil Street,
Kancheepuram 631 502.
Rep. by its Special Officer

... Petitioner

Vs.

1. The Presiding Officer,
The Presiding Labour Court,
High Court Buildings,
Chennai 104.

2. E.Senthil Kumar
3. A.Arumugam
4. M.Mohan
5. S.Balakrishnan
6. B.Eswaran

...Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari to call for the records in pursuant to the impugned order passed by the 1st respondent in Claim Petition No.280 of 1995 dated 01.03.2006 and quash the same.

For Petitioner : No Appearance

For Respondents : R1-Labour Court
R2, 4, 5 & 6- Notice served

R3-Dismissed vide Court
order dated 04.10.2012

ORDER

There is no representation for the petitioner Management as well as the respondents Workmen.

2. On perusal of the records, it can be seen that the respondents are the workmen under the petitioner management, namely Kanchipuram Cooperative Housing Society Limited. While so, on 02.05.1980, a Charter of claims were made on behalf of the Union of all these Workmen. The claims



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were not acceded to and rejected by the management. Therefore, the Workmen gave a strike notice through their trade union on 11.06.1980. Instead of participating in the conciliation proceedings, the petitioner management had taken disciplinary action against the workmen and they were all suspended in the month of June 1980. Thereafter, domestic enquiry was conducted against them and they were exonerated from the charges by the domestic Enquiry Officer. However, the management was not satisfied with the enquiry report and constituted a committee consisting of the Board of Directors to enquire into the charges once again. Thereafter, the management dismissed the Workmen by an order dated 23.02.1981. The Workmen challenged the order of dismissal by filing an appeal before the Appellate Authority under the Tamil Nadu Shops and Establishments Act, 1947 and the said appeal was dismissed. The Workmen preferred a Writ Petition which was allowed and the matter was remanded back to the Appellate Authority. Upon remand, the Appellate Authority set aside the order of dismissal dated 23.02.1981. Feeling aggrieved, the management preferred Writ Petition in WP.No.2015 of 1990 and the same was dismissed. The management preferred Writ Appeal in W.A.No.603 of 1991 and the same was also dismissed. The matter was



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carried to the Supreme Court by way of SLP No.14861 of 1991 and the same was also dismissed by the order dated 08.10.1991. However, the said period was not regularised and the backwages were not given. The Workmen filed Computation Petition in C.P.No. 967 of 1991 for the period from 01.06.1990 to 31.05.1991 and during the pendency of the same for the second period, the present claim petition was filed from 01.06.1991 to 06.10.1993. The said claim petition was resisted by the management on the ground that the Workmen were gainfully employed elsewhere and therefore they are not entitled to claim backwages. The Labour Court went into the issue and found that the award of the Appellate Authority having become final, and in the absence of any proof with reference to the claim of the management, allowed the claim petition by computing the amounts for the period as contained in paragraph No.10 of the order which is extracted hereunder:

“10. In the result, petition is allowed and the respondent is directed to pay the amount to the petitioners as follows:

E.Senthilkumar	.. Rs.99,612/-
A.Arumugam	.. Rs.86,809/-



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S.Balakrishnan .. Rs.85,974/-

Easwaran .. Rs.58,148/-

Mohan .. Rs.50,146/-

Dated at Chennai, this the 1st day of March, 2006.”

3. The same is now challenged by the petitioner management. I have gone through the pleadings of the petitioner management. When the award has become final and when the computation is done in terms of the award, no grounds are made out for the petitioner management to challenge the same. It can be seen pleadings are made with reference to the misconduct of the Workman and other details that could have been taken only in the industrial dispute. The Management contested the dispute and up to the Supreme Court, the same ended in favour of the Workmen. As such, I do not find any ground to interfere with the order passed in the Computation Petition which is only consequential in nature.



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4. Accordingly, finding no merits, the Writ Petition stands dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed.

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Neutral Citation : No
dna

To

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D.BHARATHA CHAKRAVARTHY, J.

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