



W.P.No.24881 of 2004

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.12.2024

CORAM:

THE HONOURABLE MR.D.BHARATHA CHAKRAVARTHY

W.P.No.24881 of 2004

Tamil Nadu Tea Plantation
Corporation Limited,
Cherambadi Tea Factory,
TANTEA compled,
Coonoor – 643 101,
The Nilgiris,
Rep. by it's Senior Manager.

... Petitioner

Vs.

- 1.The Presiding Officer,
Labour Court,
Coimbatore.
- 2.Ganapathy
- 3.Chandra Mohan (Deceased)
- 4.Govindan
- 5.P.Pichaie
- 6.M.Thankaraj (Deceased)
- 7.Periaswami
- 8.Arumugam
- 9.Tmt.Pichayee



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10.Selvan prabhakaran

11.Selvi Thilagavathi

(R9 to R11 are Rep. by General Secretary, Plantation Workers Union Congress, Pandalur Taluk, Nilgiris District (R9 to R11 submitted as Lrs of deceased 6th respondent vide order dated 27.03.2023 made in WPMP.No.10 of 2010 in W.P.No.24881 of 2004 by JSNPJ)

12.C.Mariyayee

13.C.Navaprasanth

14.C.Mohan

(R12 to R14 submitted as Lrs. of deceased 3rd respondent vide order dated 27.03.2023 made in WMP.No.9580 of 2023 in W.P.No.24881 of 2004 by JSNPJ)

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records of the 1st respondent in I.D.Nos.321 of 2001 to 327 of 2001 and quash its common Award dated 21.05.2004.

For Petitioner : Mr.P.Raghunathan for
M/s.T.S.Gopalan and Co.

For R1 : Labour Court

For R2 to R5,
R7 & R8, R12 to
R14 : Mr.V.Ajay Khose

For R6 : Dismissed vide Court Order dated 21.12.2006



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ORDER

This writ petition is filed challenging the common award of the Labour Court made in I.D.Nos.321 of 2001 to 327 of 2001 dated 21.05.2004.

2.The brief facts leading to the filing of the writ petition are that the seven Workmen, complained that while they were working in the petitioner management when the factory was shut down for maintenance and was reopened after one and half months, they were not permitted to rejoin duty and were orally non-employed. The Workmen through their Union raised a dispute regarding the non-employment on 07.04.2000. The Management sent a reply on 17.09.2001, asking them to come and report for work. By reply dated 24.09.2001, the workmen submitted that when the matter was pending before the Conciliation Officer and when the matter has to be decided, declined reporting for work, without any back wages and continuity of service. The Inspector of Labour had also conferred permanent status on these Workmen on 27.02.2001. It is under these circumstances, the Labour Court went into the issue and by an award dated 21.05.2004, ordered reinstatement with back wages. Without prejudice to their rights, the workmen were all permitted to rejoin duty



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with effect from 21.10.2004 and they have also worked and retired from service and some of them have died.

3.It is under these circumstances, upon considering the overall facts and circumstances of the case, even while the learned counsel for the management as well as the learned counsel for the workmen would stick to their stand that they would like to argue the case in detail on merits, only considering the sheer efflux of time, when the workmen have been reinstated into service and they have worked and superannuated and some of them having died this Court considers that going into the award of reinstatement at this stage is not called for. Considering the overall facts and circumstances of the case, instead of back wages, by directing the management to calculate the 4 years of service for the purpose of gratuity and to accordingly calculate the gratuity up to their date of superannuation, the issue can be given quietus. Accordingly, the management shall recalculate the gratuity payable to each and every Workmen and pay the balance to the Workmen or their legal heirs, as the case may be. The said exercise shall be carried out, within a period of 8 weeks from the date of receipt of the copy of the order. Upon the management filing a memo before the Labour Court that they have carried out the exercise and the additional gratuity being paid to the Workmen, they will be entitled to withdraw the entire sum



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which is deposited to the credit of the ID along with accrued interest.

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4. With the above observations, this writ petition is disposed of. No costs.

02.12.2024

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Neutral citation : Yes/No

To

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2. Tamil Nadu Tea Plantation
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D.BHARATHA CHAKRAVARTHY, J.



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