



W.P.Nos.24424 and 24425 of 2009

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.12.2024

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.Nos.24424 and 24425 of 2009
& M.P.No.1 of 2009 in W.P.No.24424 of 2009
& M.P.No.1 of 2009 in W.P.No.24425 of 2009

In W.P.No.24424 of 2009:-

The Managing Director,
Vellore-Thiruvannamalai District,
Milk Producer-Co-operative Union,
Sathuvachari, Vellore - 632 009. .. Petitioner

Versus

1. The Presiding Officer,
The Principal Labour Court,
Vellore.

2. S.Kandasamy
3. P.K.Kusalen
4. P.Pitchaimuthu
5. C.Panchatcharam
6. G.Jaishankar
7. S.Ravichandran
8. J.Mannu
9. P.Manoharan
10. V.Palani
11. M.Sekar
12. T.Sivalingam
13. R.Tamilselvan
14. V.Appadurai
15. B.Krishanan



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16. G.Chokkalingam
17. C.Arunachalam
18. K.Palani
19. D.Daveenu
20. V.Kalidas
21. C.Sathiya Saravanan
22. V.Kumar
23. V.Yadavan
24. M.Sekar
25. M.Raman
26. A.Sathiyamurthy
27. V.Senguttuvan
28. B.Arul
29. J.Kumar
30. S.Vijayan
31. V.Krishnan
32. D.Venkatesan
33. C.Selvan
34. B.Sathiyavanan
35. K.Jayakumar
36. A.Elumalai
37. S.Partiban
38. N.Kuppusamy
39. S.Vijayaraj
40. D.Manivannan
41. D.Murugesan

.. Respondents

In W.P.No.24425 of 2009:-

The Managing Director,
Vellore-Thiruvannamalai District,
Milk Producer-Co-operative Union,
Sathuvachari, Vellore - 632 009.

.. Petitioner

Versus

1. The Presiding Officer,
The Principal Labour Court,
Vellore.



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2. D.Manoharan
 3. M.Radhakrishnan
 4. S.Kalaiselvi
 5. D.Velu
 6. K.Dayalan
 7. S.Sridar
 8. E.Dhanasekar
 9. S.Arasu
 10. V.Vijayarangan
 11. G.Rajasekaran
- .. Respondents

Prayer in W.P.No.24424 of 2009 : Writ Petition filed under Article 226 of the Constitution of India, pleaded to issue a Writ of Certiorari to call for the records pertaining to the orders passed by the first respondent dated 25.06.2009 in C.P.Nos.241 to 242/06, C.P.Nos.244/06 to 253/06, C.P.Nos.255/06 to C.P.No.264/06, C.P.Nos.1/07 to C.P.No.3/07, C.P.No.5/07 to C.P.No.14/07, C.P.No.16/07 to C.P.No.17/07 & C.P.No.19/07 to C.P.No.21/07 quash the same.

Prayer in W.P.No.24425 of 2009 : Writ Petition filed under Article 226 of the Constitution of India, pleaded to issue a Writ of Certiorari to call for the records pertaining to the orders passed by the first respondent dated 25.06.2009 in C.P.Nos.234 to C.P.No.240/06, C.P.No.4/07, C.P.No.15/07 and C.P.No.18/07 and quash the same.

In W.P.No.24424 of 2009:-

For Petitioner : Mr.K.Tamil Vendan,
Standing Counsel

For Respondents : R1-Labour Court

: Mr.S.T.Varadarajulu,
for RR-2, 3 and 8

: Notice served for RR-4 to 7,



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In W.P.No.24425 of 2009:-

For Petitioner : Mr.K.Tamil Vendan,
Standing Counsel

For Respondents : R1-Labour Court

: Notice served for RR-2 to 11

COMMON ORDER

These two Writ Petitions are filed against the orders passed by the Labour Court in identical Computation Petitions under Section 33C(2) of the Industrial Disputes Act, 1947.

2. The brief factual background in which these petitions arise is that originally, the workmen involved in these petitions were all working on temporary basis. While so, by G.O.Ms.No.75, dated 21.04.1998, the services of 46 technical persons and 64 casual labourers indicated in annexure-I and II of the said Government Order, alone were directed to be regularised, while the similarly placed persons, such as the workmen involved in the present cases were left out. Under the said circumstances, they approached this Court by way of W.P.No.34280 of 2004 and the respondents were directed to consider the case and pass orders on the



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representation. The management once again rejected the representation, which, the workmen again challenged.

3. When the things stood thus, by G.O.(2D).No.137, dated 28.09.2007, the Government directed regularisation of the workmen herein also. However, restricted the financial benefit only from the date of passing of the orders in the year 2007. Therefore, these Computation Petitions were filed to compute the actual monetary benefits from the original date of their entitlement i.e., from the year 2000-2001 till the year 2007, in which, the orders were passed. The said prayer of the workmen found favour in the Labour Court and by the impugned orders, the amounts were computed and ordered to be paid. Aggrieved by which, the management is before this Court.

4. Heard *Mr.K.Tamil Vendan*, learned Standing Counsel for the management and *Mr.S.T.Varadarajulu*, learned Counsel for the respondent Nos.2, 3 and 8 in W.P.No.24424 of 2009.



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5. It is seen from the records that simultaneously, these workmen also challenged the said Government Order in G.O.(2D).No.137, dated 28.09.2007 by filing W.P.No.2358 of 2005. The said Writ Petition was allowed, in which, the Government Order was quashed and it was directed that the management to regularise the services in their respective cadres from their respective dates of their initial appointments with all services and other benefits. Aggrieved thereby, the management filed W.A.No.542 of 2015 and by the order, dated 16.06.2023, a Division Bench of this Court allowed the said Writ Appeal and consequently, the order passed by the learned Single Judge in W.P.No.2358 of 2005 was set aside and the validity of the Government Order, in turn, stood upheld. In view thereof, the computation made in these petitions cannot stand. Therefore, these Writ Petitions deserve to be allowed. However, it is pleaded on behalf of the learned Counsel for the workmen that a Review Petitions have been filed and are pending.

6. In view thereof, these Writ Petitions are allowed on the following terms:-



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(i) The impugned orders passed in C.P.Nos.234 to 242, 244 to 253, 255 to 264 of 2006 and C.P.Nos.1 to 21 of 2007, dated 25.06.2009 shall stand set aside;

(ii) However, if the workmen succeed in the Review Petition and if the Court against sets aside the Government Order and restores the order passed by the learned Single Judge to regularise the workmen from the date of their initial appointments with all benefits, then, the amount, as computed in the petitions, shall be taken into account and accordingly, the same will be paid by the management;

(iii) There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

19.12.2024

Neutral Citation : no
grs

To

The Presiding Officer,
The Principal Labour Court,
Vellore.



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D.BHARATHA CHAKRAVARTHY, J.

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