



Cont.P.No.430 of 2022
and Review Appln.(Writ) No.35 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.02.2024

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THE HONOURABLE MR. JUSTICE M.S. RAMESH

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and Review Appln.(Writ) No.35 of 2022

R.Suresh Shankar,
7/4, 4th Main Road,
New Colony, Chrompet,
Chennai – 600 044.

... Petitioner

Vs.

Abhishek Poddar,
Managing Director,
The Management of M/s.Matheson Bosanquet
Enterprises Ltd.,
Spring Field Post,
Coonoor.

... Respondent

Prayer : Contempt Petition filed under Section 11 of Contempt of Courts Act, praying to punish the respondent herein for contempt of disobeying the order dated 20.12.2021 passed in W.P.No.30310 of 2015.

For Petitioner : Mr.Y.Prakash

For Respondent : Mr.Anandan Gopalan
for M/s.T.S.Gopalan



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ORDER

The award of the Labour Court passed in I.D.No.243 of 1999 dated 09.01.2003, directing for reinstatement, continuity of service and back wages, was challenged before this Court in WP.No.22418 of 2003 and the same was dismissed on 27.09.2011. The further appeal in W.A.No.102 of 2012 by the Management was also dismissed on 24.02.2012. In this background, the petitioner had filed a petition under Section 33-C(2) of the Industrial Disputes Act, 1947 in C.P.No.114 of 2012 and the Labour Court had computed the petitioner's claim at Rs.6,10,400/- through an order dated 19.06.2015 towards back wages. When the petitioner had challenged the said order of the Labour Court in WP.No.30310 of 2015, the Writ Petition came to be allowed on 20.12.2021, with a direction to the Management to pay a sum of Rs.30,48,422/- within a period of four (4) weeks. Alleging a compliance, the present Contempt Petition in Cont.P.No.430 of 2022 has been filed before this Court. Simultaneously, the Management has also preferred a Review Application No.35 of 2022.



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2. While the learned counsel for the petitioner/workman would submit that the petitioner is entitled for Rs.30,48,422/-, the learned counsel for the Management submitted that before the Labour Court and in the Computation Petition, they were unable to produce the records with regard to the petitioner's last drawn wages and now they are in possession of the same. The learned counsel for the Management would also submit that the petitioner is entitled only for Rs.9,67,960/-, which amount was already paid to him.

3. With regard to the disputed claim, since the Management is in possession of the records pertaining to the petitioner's entitlement, I am of the view that both the parties can be referred to the Labour Court, for adjudication and computation of the workman's claim, under Section 33-C(2) of the Industrial Disputes Act, 1947.

4. Accordingly, C.P.No.114 of 2012 is remitted back to the Labour Court, Coimbatore, for fresh adjudication. The petitioner/workman is at liberty to file a Claim Petition along with a Calculation Memo with regard



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to his entitlement. Likewise, the Management is also at liberty to file its reply, as well as its own calculation with regard to the petitioner's entitlement. Both the parties shall file the supporting materials with regard to each other's claims. The Labour Court shall adjudicate the workman's claim in accordance with the procedure contemplated under Section 33-C(2) and pass final orders, after giving due opportunity to both sides, preferably within a period of three (3) months from the date of receipt of a copy of this order.

5. In view of the aforesaid order, no further order is required in the Contempt Petition and the Review Application. Hence, the Contempt Petition and the Review Application stand closed.

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Index: Yes/No
Internet: Yes/No

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M.S. RAMESH,J.

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