



W.P.No.40943 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.09.2024

CORAM

THE HONOURABLE Ms. JUSTICE R.N.MANJULA

W.P.No.40943 of 2015
and M.P.No.2 of 2015

The Managing Director,
TNTSC (Kumbakonam) Ltd.,
New Railway Station Road,
Kumbakonam 612 001,
Thanjavur District

... Petitioner

Vs

1. S.Karunanidhi

2. The Presiding Officer,
Labour Court, Cuddalore.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Ceriorari to call for the records of the order passed by the 2nd respondent in claim petition in C.P.No.46 of 2007 dated 02.07.2014 and to quash the same as illegal.

For Petitioner : Mr.C.Senapathi
For Respondent-1 : Mr.M.V.Venkataseshan



W.P.No.40943 of 2015

For Respondent-2 : Court

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ORDER

The writ petition has been filed by the Management, challenging the order of the 2nd respondent / Presiding Officer, Labour Court, Cuddalore, dated 02.07.2014 made in C.P.No.46 of 2007.

2. The petitioner / Management has challenged the Award stating that the Court has passed the Award by computing the wages payable to the 1st respondent herein, without taking into consideration the settlement arrived at between the parties, under Section 18(1) of the Industrial Disputes Act.

3. The learned counsel for the petitioner/Management has also adduced the same arguments. However, the learned counsel for the first respondent/workman, submitted that the first respondent is not a signatory to the said settlement. In fact, the 18(1) settlement has come



W.P.No.40943 of 2015

into effect only subsequent to the first respondent's removal from service on 30.12.1998. When the first respondent-workman was examined during the course of hearing of the computation petition proceedings before the Labour Court, he accepted that he had signed the said settlement. However, the Labour Court proceeded to appreciate the facts and passed the Award. After obtaining the Award of the Labour Court, the terms of the Award only would bind the parties and not any settlement.

4. Heard the learned counsels and perused the materials available on record.

5. Admittedly, the alleged settlement under Section 18(1) has been arrived at on 06.05.1995, which is subsequent to the Award dated 13.01.1995 in I.D.No.161 of 1993. Further, Section 18(1) settlement cannot alter the terms of the Award of the Labour Court and the petitioner/Management cannot be allowed to do something which it



W.P.No.40943 of 2015

cannot do directly, to do indirectly. It is right on the part of the learned Presiding Officer, Cuddalore, to appreciate the objections raised by the Management and hold that 18(1) settlement is not applicable to the case of the writ petitioner/Management and thereby computing the amount payable to the 1st respondent/workman on the basis of the terms of the impugned I.D. Award.

6. Hence, I find no reason for interference and no acceptable grounds had been raised by the petitioner/Management. The Writ Petition is therefore dismissed. There shall be no order as to costs. M.P is closed

26.09.2024

Index:Yes/No
Speaking Order: Yes
srn

To

The Presiding Officer,

4/6



W.P.No.40943 of 2015

Labour Court, Cuddalore.

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W.P.No.40943 of 2015

R.N.MANJULA, J.

srn

W.P.No.40943 of 2015
and M.P.No.2 of 2015

26.09.2024