



W.P.Nos.8477 & 36828 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.12.2024

CORAM :
THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.Nos.8477 & 36828 of 2024
and W.M.P.Nos.29266, 29269, 9528 & 41061 of 2024

1. Nirvagam, Tamil Nadu Minsara Variam
Chennai – 600 002
Rep. By its Chief Engineer/Personnel.
 2. Ennore Thermal Power Station
Chennai 600 057
Rep. By its Superintending Engineer/Civil .. W.P.No.8577 of 2024
1. M.K.Parthasarathy
 2. K.Nainiyappan
 3. V.Munusamy
 4. G.Baskar
 5. G.Gajendiran
 6. S.Ramalingam
 7. M.Palani
 8. P.Chenniah
 9. P.Ravikumar
 10. P.Varatharajulu
 11. T.Nagarajan
 12. M.Kannan
 13. N.Sekar
 14. K.Karunakaran
 15. K.N.Kuppan
 16. J.Esaiyan
 17. A.Meerankani
 18. J.Chennadurai
 19. V.M.Palani
 20. S.Palayam
 21. R.Karuppiyah



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22. M.Gopi
23. S.Velayudam
24. M.Nagalingam
25. D.Saravanan
26. V.P.Sekar
27. M.Gajendiran
28. P.Palani
29. S.Selvam
30. G.Ramakrishnan
31. E.Perumal
32. G.Guna Sundari (Legal Heir of K.Subramanian)
33. S.Senthil Kumar (Legal Heir of K.Subramanian)
34. R.Ambika (Legal Heir of K.Subramanian)
35. N.Kumar (Legal Heir of C.Nagalingam)
36. A.Nagajothi (Legal Heir of C.Nagalingam)
37. S.Vijayalakshmi (Legal Heir of P.Solaiyappan)
38. S.Vivek (Legal Heir of P.Solaiyappan)
39. K.Geetha (Legal Heir of P.Solaiyappan)
40. M.Moorthi (Legal Heir of P.Kanniyappan)
41. A.Vijaya (Legal Heir of P.Kanniyappan)
42. R.Santhi (Legal Heir of P.Kanniyappan)
43. B.Vijaya (Legal Heir of R.Baskar)
44. B.Tamilselvan (Legal Heir of R.Baskar)
45. B.Ravikumar (Legal Heir of R.Baskar)
46. T.Arockia Mary (Legal Heir of T.Right)
47. T.Albert Right (Legal Heir of T.Right)
48. B.Kasthuri Bai (Legal Heir of H.Balaraman)
49. B.Anandhan (Legal Heir of H.Balaraman)
50. M.Punithavathi (Legal Heir of H.Balaraman)
51. B.Premkumar (Legal Heir of H.Balaraman)
52. R.S.Baskar (Legal Heir of M.R.Srinivasan)
53. V.Sasikala (Legal Heir of M.R.Srinivasan)
54. V.Sathishkumar (Legal Heir of M.R.Srinivasan)
55. R.Swoppna (Legal Heir of M.R.Srinivasan)
56. K.Chinnaponnu (Legal Heir of M.Kanagu)
57. K.Kumar (Legal Heir of M.Kanagu)
58. K.Balaji (Legal Heir of M.Kanagu)
59. K.Jeyalakshmi (Legal Heir of L.Kannan)
60. S.Latha (Legal Heir of L.Kannan)



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61. K.Bharathi (Legal Heir of L.Kannan)
62. S.Vinothani (Legal Heir of L.Kannan)
63. K.Gobi (Legal Heir of L.Kannan) Petitioners in
64. G.Usha (Legal Heir of L.Kannan) .. W.P.No.36828 of 2024

Vs.

1. Podhu Seyalalar
Minvariya Oppandha Thozhilalar Sangam
No.149, Thambu Chetti Street
C.J. Complex, Chennai – 600 001.
2. Tamil Nadu Electricity Workers Federation
Registration No.2970, Rep. By its Secretary
Ennore Thermal Power Station
Ennore – Chennai 600 057.
3. M.K.Parthasarathy
4. K.Nainiyappan
5. V.Munusamy
6. G.Baskar
7. G.Gajendiran
8. S.Ramalingam
9. M.Palani
10. P.Chenniah
11. P.Ravikumar
12. P.Varatharajulu
13. T.Nagarajan
14. M.Kannan
15. N.Sekar
16. K.Karunakaran
17. K.N.Kuppan
18. J.Esaiyan
19. A.Meerankani
20. J.Chennadurai
21. V.M.Palani
22. S.Palayam
23. R.Karuppiah
24. M.Gopi



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25. S.Velayudam
26. M.Nagalingam
27. D.Saravanan
28. V.P.Sekar
29. M.Gajendiran
30. P.Palani
31. S.Selvam
32. G.Ramakrishnan
33. E.Perumal

[R3 to R33 impleaded vide order dated
28.06.2024 in W.M.P.No.19082 of 2024
in W.P.No.8577 of 2024]

34. G.Guna Sundari (Legal Heir of K.Subramanian)
35. S.Senthil Kumar (Legal Heir of K.Subramanian)
36. R.Ambika (Legal Heir of K.Subramanian)
37. N.Kumar (Legal Heir of C.Nagalingam)
38. A.Nagajothi (Legal Heir of C.Nagalingam)
39. S.Vijayalakshmi (Legal Heir of P.Solaiyappan)
40. S.Vivek (Legal Heir of P.Solaiyappan)
41. K.Geetha (Legal Heir of P.Solaiyappan)
42. M.Moorthi (Legal Heir of P.Kanniyappan)
43. A.Vijaya (Legal Heir of P.Kanniyappan)
44. R.Santhi (Legal Heir of P.Kanniyappan)
45. B.Vijaya (Legal Heir of R.Baskar)
46. B.Tamilselvan (Legal Heir of R.Baskar)
47. B.Ravikumar (Legal Heir of R.Baskar)
48. T.Arockia Mary (Legal Heir of T.Right)
49. T.Albert Right (Legal Heir of T.Right)
50. B.Kasthuri Bai (Legal Heir of H.Balaraman)
51. B.Anandhan (Legal Heir of H.Balaraman)
52. M.Punithavathi (Legal Heir of H.Balaraman)
53. B.Premkumar (Legal Heir of H.Balaraman)
54. R.S.Baskar (Legal Heir of M.R.Srinivasan)
55. V.Sasikala (Legal Heir of M.R.Srinivasan)
56. V.Sathishkumar (Legal Heir of M.R.Srinivasan)
57. R.Swoppna (Legal Heir of M.R.Srinivasan)
58. K.Chinnaponnu (Legal Heir of M.Kanagu)



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59. K.Kumar (Legal Heir of M.Kanagu)
60. K.Balaji (Legal Heir of M.Kanagu)
61. K.Jeyalakshmi (Legal Heir of L.Kannan)
62. S.Latha (Legal Heir of L.Kannan)
63. K.Bharathi (Legal Heir of L.Kannan)
64. S.Vinothani (Legal Heir of L.Kannan)
65. K.Gobi (Legal Heir of L.Kannan)
67. G.Usha (Legal Heir of L.Kannan)
68. P.V.Raja (Legal Heir of P.Vairakannu)
69. V.Gurunathan (Legal Heir of P.Vairakannu)
70. V.Veerakumar (Legal Heir of P.Vairakannu)

R34 to R70 impleaded vide order dated
13.12.2024 in W.M.P.No.41061 of 2024 Respondents in
in W.P.No.8577 of 2024] .. W.P.No.8477 of 2024

1. Nirvagam, Tamil Nadu Minsara Variam
Chennai – 600 002
Rep. By its Chief Engineer/Personnel.
2. Ennore Thermal Power Station
Chennai 600 057.
3. Podhu Seyalalar
Minvariya Oppandha Thozhilalar Sangam
No.149, Thambu Chetti Street
C.J. Complex, Chennai – 600 001.
4. Tamil Nadu Electricity Workers Federation
Registration No.2970
Rep. By its Secretary
Ennore Thermal Power Station Respondents in
Ennore – Chennai 600 057. ..W.P.No.36828 of 2024

Prayer in W.P.No.8577 of 2024: Petition filed under Article 226 of the Constitution of India praying for a writ of certiorari, calling for the records of the Industrial Tribunal, Chennai in ID No.45 of 2002 and quash its award dated 28.02.2024; and



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Prayer in W.P.No.36828 of 2024: Petition filed under Article 226 of the Constitution of India praying for a writ of certiorarified mandamus, calling for the entire records connected with the impugned award passed by the Industrial Tribunal, Chennai in I.D.No.45 of 2002, dated 28.02.2024, only insofar as (i) granting the relief of continuity of service with backwages; (ii) rejecting the claim of Thiru T.Right deceased (46th petitioner) and Thiru V.P.Sekar (26th petitioner) for reinstatement and absorption found in Serial No.415 and 417 to Annexure – 1 of the impugned Award and quash the same and consequently direct the 1st and 2nd respondents to reinstate and absorb all the petitioners/workmen with effect from 05.01.1998 with seniority, continuity of service, full backwages and all other consequential monetary and attendant benefits.

For the Electricity Board : Mr.G.Anandagopalan
for M/s.Agam Legal
For the Workmen : Mr.V.Prakash
Senior Counsel
for Mr.D.Christoper

COMMON ORDER

W.P.No.8577 of 2024 is filed by the Management, feeling aggrieved over the award of the Industrial Tribunal made in I.D.No.45 of 2002 dated 28.02.2024.

2. By the said award, in respect of 152 workmen, an award was passed directing the Management to pay a sum of Rs.15 lakhs each in *lieu* of their claim for reinstatement, backwages and other benefits. Against the same, W.P.No.8477 of 2024 is filed.



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3. An order of interim stay has been granted and is being periodically extended by this Court. While so, prayers are made by some of the individual employees in W.P.No.36828 of 2024 that further condition may be imposed upon the Management to at least pay them some amount. If the Labour Court had awarded reinstatement with backwages, the Management would have been in a position to pay the 17B wages.

4.1. It is argued by *Mr.V.Prakash*, learned Senior Counsel appearing on behalf of the workmen that the same is a salutary principle that the workmen should be given something for sustenance, so that they need not argue the writ petition hungry. This is the reason why provision under Section 17B was also included in the Industrial Disputes Act, 1947.

4.2. It is the prayer of the *Mr.Ravichandran*, learned counsel appearing for the workmen that the Management should be directed to deposit the entire amount of compensation, as ordered, and they must be permitted to withdraw the accrued interest every month.



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4.3. The learned Senior Counsel would also submit that at least a portion of the compensation amount should be ordered to be withdrawn by the workmen so that they get some relief to get ready and argue the matters.

5.1. *Per contra*, Mr.G.Anandgopalan, learned counsel appearing on behalf of the Management would submit that the Electricity Board need not be directed to deposit the entire amount. Even if this Court holds in favour of the workmen, the amount is always realizable. Therefore, the question of deposit does not arise.

5.2. Considering the facts pleaded by the workmen that they should be provided with some amount for sustenance, a minimum amount can be ordered to be paid and he is ready to get along with the main writ petitions this month itself.

6. I have considered the rival submissions made on either side and perused the material records of this case.



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7.1. In view of the fact that the Management is the Electricity Board and the financial difficulty is also pleaded, I am of the view that the Management need not be insisted to deposit the entire sum of Rs.15 lakhs at this stage itself. At the same time, the claim of the workmen that they should be provided with some amount for their sustenance should also be considered.

7.2. To consider what quantum of amount can be provided by way of an interim relief, I even consider the argument of the workmen, that if the Labour Court had ordered reinstatement instead of compensation, then this Court would have awarded 17B wages. All these workmen are said to have drawn wages around a sum of Rs.4,500/- per month and these writ petitions are filed in the month of March, 2024. That is the first consideration this Court takes into consideration. Secondly, if the entire amount of Rs.15 lakhs is deposited, the monthly interest would be somewhere around Rs.7,000/- per month. The said two factors are kept in mind.

7.3. Therefore, irrespective of whether the employee has attained the age of superannuation or not and irrespective of whether



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the employee is alive or the legal heirs are the beneficiaries, I am of the view that in respect of each of the workmen, as sustenance to argue the writ petitions, each of the employee could be paid a sum of Rs.40,000/- by way of an interim relief. This less amount is ordered only considering the fact that the writ petitions are posted for final hearing on 03.01.2025 and that both the parties shall get along and the matters would be taken up for final disposal.

7.4. In the event the writ petitions are not disposed of in the month of January, 2025, from then on, each of the workmen (or their legal heirs together) would be entitled to a sum of Rs.5,000/- each for every month the writ petitions are kept pending. The interim stay is made absolute on the above conditions and the main writ petitions are posted for arguments on 03.01.2025.

7.5. It is needless to mention that the amount should be paid before the next hearing date, that is before 03.01.2025, so as to enable this Court to hear these matters for final disposal on 03.01.2025.



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7.6. The said order also covers the prayer made in other miscellaneous petitions in these writ petitions such as miscellaneous petitions seeking stay, directions, vacate stay, which shall be treated as ordered as above.

8. W.M.P.No.41061 of 2024 is allowed and it is made clear that the plea of the learned counsel for the Management that once these individual employees come on record, at least the second respondent can no more be a relevant party will be considered at the appropriate time.

13.12.2024

Neutral Citation: Yes/No

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D.BHARATHA CHAKRAVARTHY,J.

(drm)

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9528 & 19082 of 2024

13.12.2024