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W.A.Nos.2471 & 2474 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.08.2024

CORAM :

**THE HONOURABLE MR. JUSTICE M.S. RAMESH**  
**AND**  
**THE HONOURABLE MR. JUSTICE C.KUMARAPPAN**

**W.A.Nos.2471 & 2474 of 2024**  
**and C.M.P.No.17692 of 2024**

TTK Health Care Limited,  
TTN Complex, No.12, K.P.N.Natham Road,  
Thiruvadarkovil, Puducherry – 605 102.  
Rep. by its Managing Director.

...Appellant  
in both appeals

Vs.

1.INTUC TTK Health Care Employees Union,  
Rep. by its Secretary, (Aff.No.1841/RTU/2018)  
No.1, Pillayar Kovil Street,  
Thirubuvanai Palayam,  
Puducherry – 606 107.

...1<sup>st</sup> respondent  
in W.A.No.2471/2024  
and 2<sup>nd</sup> respondent  
in W.A.No.2474/2024

2.TTK Protective Devices Limited,  
Rep. by its Managing Director,  
Now known as  
TTK Health Care Ltd. Protective Devices Division,  
Rep. by its President,  
TTN Complex, No.12, K.P.N.Natham Road,  
Thiruvadarkovil, Puducherry – 605 102.

...2<sup>nd</sup> respondent  
in W.A.No.2471/2024



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3.Packwell Packaging Products Limited,  
TTN Complex, No.12, K.P.N.Natham Road,  
Thiruvadarkovil, Puducherry – 605 102.  
Rep. by its Managing Director.

...3<sup>rd</sup> respondent  
in both appeals

4.United Labour Federation,  
Rep. by its Joint Secretary,  
No.149, 4<sup>th</sup> Floor, C.J.Complex,  
Thambu Chetty Street, Chennai.

...4<sup>th</sup> respondent  
in W.A.No.2471/2024  
and 1<sup>st</sup> respondent  
in W.A.No.2474/2024

**Prayer in W.P.No.2471 of 2024:** Writ Appeal filed under Clause 15 of the Letters Patent, to set aside the order dated 15.03.2024 passed in W.P.No.19774 of 2022.

**Prayer in W.P.No.2474 of 2024:** Writ Appeal filed under Clause 15 of the Letters Patent, to set aside the order dated 15.03.2024 passed in W.P.No.10519 of 2022.

For Appellants : Mr.Ravi  
(in both WAs) for M/s.Ravi Law Chambers

For 1<sup>st</sup> Respondent  
in W.A.No.2471/2024  
& 2<sup>nd</sup> Respondent  
in W.A.No.2474/2024 : Mr.C.K.Chandrasekhar



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**COMMON JUDGMENT**

**(Judgment of the Court was made by M.S.RAMESH, J.)**

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Upon a reference made by the United Labour Federation (hereinafter referred to as 'the Federation') touching upon a charter of demands and wage revision, an Industrial Dispute was taken on file as I.D.(T) No.13 of 2014 by the Labour Court-cum-Industrial Tribunal (hereinafter referred to as 'the Tribunal'), Puducherry. Pending the main Industrial Dispute, the appellant herein had signed a settlement under Section 18(1) of the Industrial Disputes Act on 27.07.2019 with the Federation. Likewise, the third respondent herein had also entered into a settlement with the Federation on 29.08.2019. Consequently, the appellant had filed I.A.No.10 of 2021 and I.A.No.161 of 2019 before the Tribunal, seeking for passing of an award, in terms of the settlements dated 27.07.2019 and 29.08.2019. The Tribunal had allowed both these applications on the premise that out of 219 employees, 151 employees have accepted the settlements and therefore, presumed that the settlements were just and fair.

2. In this background, while the INTUC TTK Health Care Employees Union (hereinafter referred to as 'the Union') had challenged



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both the awards passed in I.A.Nos.10 of 2021 and 161 of 2019 in W.P.No.19774 of 2022, the appellant had also preferred a Writ Petition in W.P.No.10519 of 2022, seeking for issuance of a Writ of Mandamus to the Tribunal to pass an award, in terms of the settlement dated 27.07.2019. The learned Single Judge had placed reliance on the decisions of the Hon'ble Supreme Court and held that the Tribunal ought to have examined the fairness of the settlement before presuming that the settlement was fair and just and by allowing the applications seeking for passing of an award, in terms of the settlements, had allowed W.P.No.19774 of 2022 filed by the Union on 15.03.2024 with a consequential direction to the Tribunal to conclude I.D.(T) No.13 of 2014 as expeditiously as possible. In view of the final orders passed in W.P.No.19774 of 2022, the learned single Judge had dismissed W.P.No.10519 of 2022 on 15.03.2024, by holding that the prayer therein has become infructuous.

3. Since the issue involved in both the Writ Petitions are inter-connected, both these Writ Appeals are disposed of through a common order.



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4. The learned counsel for the appellant predominantly raised an objection stating that when the Union had not raised any averment or pleading in the counter statement filed before the Tribunal, questioning the fairness and reasonableness of the settlements, they are estopped from raising such a plea before the learned single Judge. Even otherwise, he would submit that the Tribunal had adjudicated the issues before it and had rendered a finding that the settlements were fair and reasonable and therefore, the findings of the learned single Judge require interference.

5. The learned counsel appearing on behalf of the Union, on the other hand, submitted that the Union had questioned the fairness and reasonableness of the settlements before the Tribunal and drew attention of this Court to the various of such objections in the counter statement that was produced before us.

6. On perusal of the counter statement filed by the Union before the Tribunal, it is seen that though the Union had not employed the phrase “unfair and unjust”, the entire counter statement factually questions the unreasonableness of the settlements arrived at and the consequences of its binding nature on them.



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7. We do not intend to extract or refer to the various statements made therein, which factually reflects the objections of the Union towards signing of the settlements between the appellant and the Federation, in view of the fact that the Tribunal was already directed by the learned single Judge of this Court to adjudicate the dispute expeditiously.

8. The Tribunal had referred to the signing of both the settlements by 151 out of the 219 employees and had therefore presumed the settlements to be just and reasonable. The learned single Judge had held that such a procedure was illegal and had observed that the Tribunal ought to have determined the issue of reasonableness of the settlements before ordering the applications seeking for passing of an award in terms of the settlements. We agree with such findings of the learned single Judge.

9. In this background, we do not find any reason to interfere with the orders passed by the learned single Judge in W.P.No.19774 of 2022, as well as W.P.No.10519 of 2022, dated 15.03.2024. Accordingly, both these Writ Appeals stand closed with a direction to the Labour Court-



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cum-Industrial Tribunal, Puducherry, to dispose of the main Industrial Tribunal in I.D.(T) No.13 of 2014, as expeditiously as possible. No costs.

Consequently, connected miscellaneous petition is closed.

[M.S.R., J] [C.K., J]  
19.08.2024

Index:Yes/No

Neutral Citation:Yes/No

Speaking order/Non-speaking order

*hvk*



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To

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**M.S.RAMESH, J.**  
**and**  
**C.KUMARAPPAN, J.**

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