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W.P.No.34952 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.09.2024

CORAM

THE HONOURABLE Ms.JUSTICE R.N.MANJULA

W.P.No.34952 of 2014
and M.P.No.2 of 2014

1. The Managing Director,
Tamil Nadu Water Supply and Drainage Board,
No.31, Kamarajar Salai,
Chennai – 600 005.
 2. The Executive Engineer,
Tamil Nadu Water Supply and Drainage Board,
Rural Water Supply Division,
(The Second petitioner already addressed as office of
the Executive Urban Project Division, Kangayam
has been closed and records were handover to
TWAD Board RWS Division, Erode, is the present
address of the second petitioner)
No.10, G.L.Bungalow, Muthusamy Street,
Sathi Salai, Erode – 638 011.
 3. The Executive Engineer,
Tamil Nadu Water Supply and
Drainage Board, Maintenance Division,
Muthiah Complex, 3rd Floor,
1171, Mettur Road, Erode – 638 011.
 4. The Assistant Executive Engineer,
Tamil Nadu Water Supply and Drainage Board,
Maintenance Sub Division,
Karumayal Extension – 3,
Gobichettipalayam – 638 456.
- ... Petitioners



W.P.No.34952 of 2014

Vs.

1. The Presiding Officer,
Labour Court,
Salem.

2. K.Rangasamy

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari to call for the records relating to Award dated 10.10.2013 made in I.D. No.21 of 2003 by the first respondent herein and quash the same.

For Petitioners : Mr.S.Ravindran
Senior Counsel
for Ms.S.Mekhala

For Respondents : Mr.M.Muthupandian for R2
Labour Court - R1

ORDER

Heard Mr.S.Ravindran, the learned Senior Counsel for the petitioners and Mr.M.Muthupandian, the learned counsel for the second respondent.

2. The petitioners have filed this writ petition challenging the award of the learned Presiding Officer, Labour Court, Salem dated 10.10.2013 made in I.D.No.21 of 2003.



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3. The second respondent is one of the workmen who had joined along with other workmen and filed various Industrial Disputes in I.D.No.2 of 2003 and batch, before the Labour Court, Salem. In fact the Petitioners have filed a batch of writ petitions in W.P.No.34667 to 34687 of 2014 challenging the award passed by the Labour Court in respect of other workmen who are also the beneficiaries of the common award. This Court has passed a common order dated 27.07.2023 in the said writ petitions wherein the award of the Labour Court has been modified as under:

“ ... 12. In view of the above discussion, the common award passed by the first respondent is liable to be set aside. Accordingly, the common award dated 10.10.2013 passed by the first respondent is set aside and all the writ petitions are allowed. While admitting the writ petitions, this Court granted interim stay. In view of the interim order passed by this Court, the petitioners Board already deposited 25% of backwages of the workmen to the credit of ID.Nos.2 of 2003, 4 of 2003, 5 of 2003, 7 of 2003, 8 of 2003, 13 of 2003, 14 of 2003, 17 of 2003, 18 of 2003, 20 of 2003, 23 of 2003, 323 of 2003, 47 of 2004, 48 of 2004, 49 of 2004, 50 of 2004, 59 of 2004, 60 of 2004, 61 of 2004, 62 of 2004 and 63 of 2004 on the file of the first respondent. However, the workmen filed a petition to vacate the interim order and also filed a petition for wages as contemplated under Section 17B of Industrial Disputes Act. Unfortunately, it was not listed before this Court. Therefore, the workmen are entitled for wages as contemplated



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under Section 17B of the Industrial Disputes Act till today from the date of the award. Accordingly, the petitioners are permitted to withdraw the deposit which were made in pursuant to the interim order passed by this Court from the first respondent after deducting the wages under Section 17B of Industrial Disputes Act payable by the petitioners / management to the workmen till today in accordance with law. The workmen are also permitted to withdraw the 17B wages from the first respondent. Consequently, connected miscellaneous petitions are closed. There shall be no order as to costs."

4. In fact the same was challenged by the petitioners by way of preferring a batch of Writ Appeal in W.A.No.3138 of 2023 and 3160 to 3164 of 2023 and the same was disposed by this Court by judgment dated 15.11.2023 on the following observation:

" 8. The contention of Mr.S. Ravindran, learned Senior Counsel appearing for the appellant Board that those employees whose applications for payment of 17B wages were numbered alone would be entitled to the relief cannot be accepted. It is suffice if an application is filed and there is no need that it should be numbered. For the sake of convenience, Section 17B of I.D. Act, 1947 is extracted hereunder: "17B. Payment of full wages to workman pending proceedings in higher courts.- Where in any case, a Labour Court, Tribunal or National Tribunal by its award directs reinstatement of any workman and the employer prefers



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any proceedings against such award in a High Court or the Supreme Court, the employer shall be liable to pay such workman, during the period of pendency of such proceedings in the High Court or the Supreme Court, full wages last drawn by him, inclusive of any maintenance allowance admissible to him under any rule if the workman had not been employed in any establishment during such period and an affidavit by such workman had been filed to that effect in such Court: Provided that where it is proved to the satisfaction of the High Court or the Supreme Court that such workman had been employed and had been receiving adequate remuneration during any such period or part thereof, the Court shall order that no wages shall be payable under this section for such period or part, as the case may be."

Nowhere, it is stated that an application claiming wages will have to be filed and it should be numbered, thereafter which an employee would be entitled to payment. However, taking into account the totality of circumstances, that the finding of the Labour Court has been held to be perverse by the learned Single Judge, that no relief has been granted and that so many employees are before this Court, we are of the view that in order to give a quietus to the matter, when the factum of employment is not in dispute, it is suffice that the monetary benefits payable to the employees in these writ appeals under Section 17B of I.D. Act, 1947, which cannot be less than minimum wages, is fixed at Rs.50,000/- insofar as each workman is concerned.

9. Mr.S. Ravindran, learned Senior Counsel for the appellants would submit that during the pendency of the writ



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petitions, a sum of Rs.37,500/- had already been deposited in respect of each workman concerned in the industrial dispute before the Labour Court. The Labour Court, on production of a copy of this order, is directed to release the amount with accrued interest to each of the workman, who will be identified by the learned counsel for the workmen without insisting for “No Objection” endorsement by the Board. The balance amount of Rs.12,500/- shall be released to each of the workman concerned in the industrial dispute within a period of one month from the date of receipt of a copy of this order.

10. While disposing of the writ appeals with the above directions, it is made clear that we have not interfered with the order of the learned Single Judge setting aside the award of the Labour Court, except to the extent of grant of compensation of Rs.50,000/- to each of the workman concerned in the industrial dispute. No costs. Connected C.M.Ps are closed.”

5. Mr.S.Ravindran, the learned Senior Counsel for the petitioners, submitted that the second respondent is also similarly placed as that of the other workmen and hence, he is also entitled to the similar relief granted in the Writ Petitions in W.P.No.34667 to 34687 of 2014 and in the Writ Appeals in W.A.No.3138 of 2023 and 3160 to 3164 of 2023. Mr.M.Muthupandian, the learned counsel for the second respondent is also in agreement with the submission of the learned Senior counsel for the



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petitioners. Hence, this writ petition can also be disposed in the same terms followed in the judgment dated 15.11.2023 made in W.A.No.3138 of 2023 and 3160 to 3164 of 2023.

6. It is learnt that out of the compensation of Rs.50,000/- awarded, the petitioners have already deposited a sum of Rs.37,500/- in the Labour Court and the remaining sum of Rs.12,500/- has already been received by the second respondent on 02.05.2022. It is also learnt that the second respondent has also filed an application before the Labour Court to release the remaining sum of Rs.37,500/- which is lying in the deposit of the Labour Court. In such case, the second respondent is at liberty to get orders from the first respondent / Labour Court for releasing the sum of Rs.37,500/- which has already been deposited by the petitioners.

7. Thus, this writ petition is disposed in the terms followed in the judgment dated 15.11.2023 made in W.A.No.3138 of 2023 and 3160 to 3164 of 2023. No costs. Connected miscellaneous petition is closed.

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Index : Yes/No



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Neutral citation : Yes/No

Speaking Order/Non-Speaking Order

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R.N.MANJULA, J.

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To:

1. The Presiding Officer,
Labour Court,
Salem.

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