



W.P.No.2815 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : **01.07.2024**

CORAM

THE HONOURABLE Ms. JUSTICE **P.T.ASHA**

W.P.No.2815 of 2014

and

M.P.No.1 of 2014

M/s.Norton Granites and Spinners Pvt Ltd,
represented by its Managing Director Mr.D.Udayakumar,
18, Manikeswari Street,
Chennai – 600 010.

... Petitioner

-VS-

1.The Presiding Officer,
I Additional Labour Court,
Chennai – 104.

2.Aranganathan

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a writ of certiorari calling for the records in C.P.No.305 of 2004 on the file of the First Additional Labour Court, Chennai, quash the order dated 07.08.2013 passed in C.P.No.305 of 2004.



W.P.No.2815 of 2014

For petitioner : Mr.R.Gowtaman

R1 : Labour Court

For R2 : No appearance

ORDER

The above writ petition arises against the order dated 07.08.2013 passed by the first respondent in a claim petition filed by the second respondent to enforce the award.

2. The said claim petition has been ordered as the only objection that has been put forwarded by the management is that the provisions under Section 33-C of the Industrial Disputes Act, 1947, would not apply to the instant case since the petitioner therein has not been terminated or laid off by the management.

3. Heard the learned counsel on either side and perused the materials available on record.



W.P.No.2815 of 2014

WEB COPY

4. Section 33-C of the Industrial Disputes Act, 1947, would read as follows:

“33-C. Recovery of money due from an employer – (1) Where any money is due to a workman from an employer under a settlement or an award or under the provisions of [Chapter V-A or Chapter V-B], the workman himself or any other person authorised by him in writing in this behalf, or, in the case of the death of the workman, his assignee or heirs may, without prejudice to any other mode of recovery, make an application to the appropriate Government for the recovery of the money due to him, and if the appropriate Government is satisfied that any money is so due, it shall issue a certificate for that amount to the Collector who shall proceed to recover the same in the same manner as an arrear of land revenue:

Provided that every such application shall be made within one year from the date on which the money became due to the workman from the employer:

Provided further that any such application may be entertained after the expiry of the said period of one year, if the appropriate Government is satisfied that the



WEB COPY



W.P.No.2815 of 2014

applicant had sufficient cause for not making the application within the said period.

(2) Where any workman is entitled to receive from the employer any money or any benefit which is capable of being computed in terms of money and if such question arises as to the amount of money due or as to the amount at which such benefit should be computed, then the question may, subject to any rules that may be made under this Act, be decided by such Labour Court as may be specified in this behalf by the appropriate Government ³[within a period not exceeding three months:]

³[Provided that where the presiding officer of a Labour Court considers it necessary or expedient so to do, he may, for reasons to be recorded in writing, extend such period by such further period as he may think fit.]

(3) For the purposes of computing the money value of a benefit, the Labour Court may, if it so thinks fit, appoint a Commissioner who shall, after taking such evidence as may be necessary, submit a report to the Labour Court and the Labour Court shall determine the



WEB COPY



W.P.No.2815 of 2014

amount after considering the report of the Commissioner and other circumstances of the case.

(4) The decision of the Labour Court shall be forwarded by it to the appropriate Government and any amount found due by the Labour Court may be recovered in the manner provided for in sub-section(1).

(5) Where workmen employed under the same employer are entitled to receive from him any money or any benefit capable of being computed in terms of money, then, subject to such rules as may be made in this behalf, a single application for the recovery of the amount due may be made on behalf of or in respect of any number of such workmen.”

From a reading of the above, it is clear that where any money is due to a workman from an employer under a settlement or an award or under the provisions of [Chapter V-A or Chapter V-B], the workman is entitled to file an application for recovery of money under Section 33-C of the Industrial Disputes Act, 1947.



W.P.No.2815 of 2014

WEB COPY

5. The facts of the case and the award would clearly show that the second respondent comes within the provisions of the Chapter V-A. Therefore, the contention of the petitioner herein that the second respondent cannot claim under Section 33-C of the Industrial Disputes Act, 1947, cannot be countenanced.

Accordingly, this writ petition is dismissed. Consequently, connected M.P. stands closed. No costs.

01.07.2024
(2/2)

Internet : Yes
Index : Yes/No
Speaking order/Non-speaking order
ssa

To

The Presiding Officer,
I Additional Labour Court,
Chennai – 104.



WEB COPY



W.P.No.2815 of 2014

P.T.ASHA, J.,

ssa

W.P.No.2815 of 2014

**01.07.2024
(2/2)**