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W.P.No.25633 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.09.2024

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THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.No.25633 of 2024 and
W.M.P.No.27994 of 2024

The Management,
Madurantakam Co-operative Sugar Mills Ltd.,
Rep. by its Managing Director,
Padalam, Kancheepuram District 603 308.

... Petitioner

Vs.

Mr.R.Venkatesan

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the records of the Labour Court, Kanchipuram, Award made in C.P.No.03/2018 dated 15.02.2024 and to quash the same.

For Petitioner : Mr.P.Hari Babu

ORDER

The petitioner has filed this Writ Petition challenging the orders of the learned Presiding Officer of the Labour Court, Kanchipuram dated 15.02.2024 made in C.P.No.03/2018 on the ground that the respondent is not entitled to file a computation petition.



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2. Heard Mr.P.Hari Babu, learned counsel for the petitioner.

3. The learned counsel for the petitioner submitted that without having the entitlement to settle or re-adjudicate, the respondent has directly filed the computation petition. But the Labour Court without looking into those aspects, has allowed the same.

4. On perusal of the records, it is seen that the respondent workman has raised an industrial dispute in which an award has been passed for reinstatement along with backwages and other attendant benefits. Consequently, the respondent has got reinstated and thereafter, he went on voluntary retirement and his terminal benefits have been settled. There cannot be any quarrel on the point that the respondent had gone on voluntary retirement and his terminal benefits have been settled.

5. In the proceedings dated 29.03.2012 itself it has been stated that on 17.04.2004, an amount of Rs.2,96,147/- representing backwages as per the award of the Labour Court, has also been deposited. The above



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point has also been stated by the petitioner before the Labour Court in his counter. The Labour Court has also considered the difference between the subsistence allowance and the backwages for the period under which the respondent was out of service and calculated it to the tune of Rs.10,998/-. It is further submitted that the further difference in payment for the period between 01.05.2004 to 28.05.2005 is also payable to the workman and the workman has also been allowed to get the benefit under 2005 settlement towards leave salary for medical leave and thereafter, the encashment of surrender leave and bonus for nine years.

6. The entire order of the Labour Court, would only show that the computation has been made only in accordance with the award that has been already passed in favour of the respondent in I.D.No.608 of 1997. As the award has been passed for reinstatement along with backwages with all other attendant benefits and the petitioner having failed to grant all the attendant benefits as already ordered while settling the terminal benefits, the Labour Court has proceeded to compute the left out entitlement and computed the amount to Rs.4,17,844/-.



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7. In fact the Labour Court has given a categorical finding against each head under which the workman is entitled to the above amount and hence it is not right on the part of the petitioner to state that the computation has been made without having the basic entitlement of the workman determined or adjudicated. Hence, I find no merits in this Writ Petition.

8. Accordingly, this Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Index : Yes /No
Speaking / Non-speaking
Neutral Citation : Yes / No
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To

The Labour Court,
Kanchipuram.



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R.N.MANJULA, J.

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