



WEB COPY



W.A.No.349 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.02.2024

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
and
THE HONOURABLE MR. JUSTICE K.RAJASEKAR

W.A.No.349 of 2022

M.Saravanan

... Appellant/2nd Respondent

Vs.

1. The Senior Manager,
M/s.Thirumala Milk,
Melvenkatapuram, Melkanchi,
Walajahpet- 632 501.

2. Chief Manager,
M/s.Thirumala Milk Dairy Head Office,
No.435, W Block, 5th Street,
C Sector, Chennai.

... Respondents / Petitioners

3. The Presiding Officer,
Principal Labour Court,
Vellore, Vellore District.

... Respondent/1st Respondent

Prayer :- Writ Appeal filed under Clause 15 of Letters Patent, praying to set aside the order dated 29.3.2021 made in WP.No. 22357 of 2017 on the file of this Honble Court.

For Appellant : Mr.A.Vigneswran for
Mr.T.P.Prabakaran



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For Respondents : Mr.G.Abraham Prabhu (for R1 & R2);
R3 - Labour Court

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J U D G E M E N T

(Judgement of the Court was delivered by S.M.Subramaniam J.)

The writ appeal has been instituted against order dated 29.03.2021, passed in W.P.No.22357 of 2017. The second respondent workmen in the writ petition is the appellant before us.

2. The second respondent workmen raised an industrial dispute in I.D.No.170 of 2015 where the Labour Court passed an award in favour of the second respondent on 29.04.2017. The said award came to be challenged by the Management in the writ proceedings.

3. The writ Court considered the issues and made a finding that the workmen suffered Heart Attack and therefore, he cannot work in other places. Thus, the writ Court declined to grant back-wages and rejected the claim of the workmen to pay backwages on the ground of “No work no pay”. However, the writ Court, while setting aside the award, permitted the workmen to join duty at Jolarpet. Two weeks time was granted to the workmen to join duty at Jolarpet.



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4. The learned counsel for Management would submit that the workmen joined duty in April of 2021 and the said fact was reported to this Court on 15.04.2021. After joining duty, the workmen again abandoned the job. Thereafter, he has not turned back and reported on duty. This being the factum established, the workmen is entitled to get the eligible gratuity and other benefits, if any due to him, for the services rendered by him in accordance with law.

5. Such dues are directed to be calculated and to be settled by the Management, within a period of eight (8) weeks from the date of receipt of a copy of this order. As far as the other benefits are concerned, the workmen joined duty and abandoned job and therefore, he is not entitled for any other relief.

6. Accordingly, the writ appeal stands dismissed. No costs.

(S.M.S.J.,)

(K.R.S.J.,)

21.02.2024

Index : Yes/No

Internet: Yes/No

Speaking order/Non-Speaking order

Neutral Citation : Yes/No

(sha)



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S.M.SUBRAMANIAM, J.

and

K.RAJASEKAR, J.

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