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W.P.No.232 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 30.06.2025

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THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No.232 of 2023
and WMP.No.225 of 2023

The Management
Caterpillar India Private Limited
Melnallathur Village and Post
Thiruvallur - 602 002
Rep. by its Authorised Signatory

... Petitioner

Vs

1.R.Srinivasan
2.Mr.Ramachandran
Proprietor
C.R.Caterers India Private Limited
No.48/39, Rajaji Salai
Wavoo Mansions, 4th Floor
Chennai - 600 001.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari calling for the records of the II Additional Labour Court, Chennai in ID.No.313 of 2015 and quash its award dated 16.08.2022 passed by the II Additional Labour Court, Chennai.



WEB COPY



W.P.No.232 of 2022

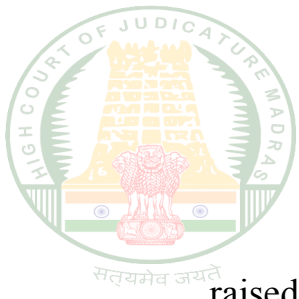
For Petitioner : Mr.Anand Gopalan
for M/s.T.S.Gopalan and Co.

For Respondents : Mr.K.Sudalai Kannu for R1
R2 - Served [No appearance]

ORDER

This writ petition has been filed by the petitioner-Management challenging the award dated 16.08.2022 in I.D.No.313 of 2015 passed by the II Additional Labour Court, Chennai. The second respondent is the contractor who is running the canteen in the petitioner's factory and the first respondent-workman is working in the canteen under the contractor.

2. The Industrial Dispute has been raised by the first respondent/workman seeking a direction to the petitioner herein, the first respondent in I.D. proceedings, to reinstate him in service with full backwages, continuity of service and to pay him all attendant and consequential benefits. The II Additional Labour Court had passed an award allowing the industrial dispute. Aggrieved by the same, the petitioner-Management is before this Court.



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3. It is brought to the notice of the Court that similar disputes were raised by other workmen working in the canteen attached to the petitioner's company. The industrial disputes filed by them were allowed by the Labour Court. Challenging the same, the petitioner herein had earlier filed writ petitions before this Court. Those writ petitions were disposed of by the orders of this Court dated 12.10.2023 in W.P.Nos.29860 & etc., batch of 2022, with the following directions :

- i. The writ petitions are allowed by setting aside the award impugned in the present writ petitions;*
- ii. The 1st respondent in the said writ petitions would be entitled to receive the sum as prescribed for in paragraphs 32 & 33 of this order towards full quit of all their dues from the 2nd respondent;*
- iii. It is made clear that since the amount is paid as compensation to the workmen, no TDS shall be deducted by the 2nd respondent;*
- iv. It is also made clear that all other workmen, who have already entered into settlement with the 2nd respondent either as a group or have settled with the 2nd respondent individually, the said workmen would not be entitled to claim any sum as quantified by this Court above and no computation petition shall be entertained by any Labour Court or Tribunal; and*



W.P.No.232 of 2023

WEB COPY

4. It is also relevant to extract paragraph Nos.32 & 33 of the order dated 12.10.2023 :

"32. In view of the above, the compensation that would be payable by the 2nd respondent to the workmen concerned with the present writ petitions would be as under :

<i>Workmen who have put in upto 4 years of service</i>	<i>:</i>	<i>Rs.4.00 Lakhs</i>
<i>Workmen who have put in more than 4 years of service</i>	<i>:</i>	<i>Rs.7.50 Lakhs</i>

33. The aforesaid amount, which is payable to the workmen concerned in the aforesaid writ petitions would be in full and final settlement and they would not be entitled to any further claim over the 2nd respondent."

5. Some of the workmen had taken up the order of this Court dated 12.10.2023 on appeal in W.A.Nos.3382 etc., batch of 2024. The Division Bench of this Court dismissed the said appeals by observing that the workmen are only the employees of the contractor and they would be entitled to compensation and re-employment only from the contractor and not from the Management.



WEB COPY



W.P.No.232 of 2025

6. The above orders shall automatically apply to the instant case as well, and the compensation that would be payable to the petitioner is a sum of Rs.7.50 lakhs.

7. The writ petition is disposed of in the above lines. No costs.
Consequently, connected miscellaneous petition is closed.

30.06.2025

Index : Yes / No

Neutral Citation : Yes / No
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WEB COPY



W.P.No.232 of 2023

P.T. ASHA, J.

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W.P.No.232 of 2023

30.06.2025