



W.P. No.150 of 2022 and
W.P. No.20000 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 30.07.2025

CORAM

THE HONOURABLE Mr. JUSTICE P.DHANABAL

W.P. No.150 of 2022 and W.P. No.20000 of 2023
and W.M.P. Nos.174 of 2022 and 19349 of 2023

The Management,
M/s. Micro Electric Controls,
Old No.9/174, New No.170,
Railway Station Road,
Periyanaickenpalayam,
Coimbatore - 641 020.
represented by its Proprietor,
G.R. Jaganathan

.. Petitioner [common in both W.Ps.]

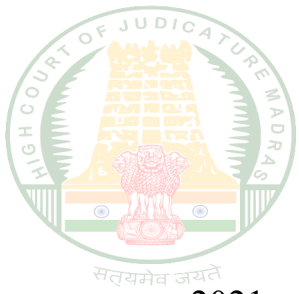
vs.

G. Francis Raja S/o. K. George .. Respondent[common in both W.Ps.]

PRAYER in W.P. No.150 of 2022: The Writ petition filed under Article 226

of the Constitution of India seeking to issue a Writ of Certiorari calling for the records and quash the order dated 02.11.2021 passed in C.P. No.52 of 2010 passed by the Principal Labour Court, Coimabtoire.

PRAYER in W.P. No.20000 of 2023: The Writ petition filed under Article 226 of the Constitution of India seeking to issue a Writ of Certiorari calling for the records and quash the order dated 05.05.2023 passed in C.P. No.57 of



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2021 passed by the Additional Labour Court, Coimabtoire.

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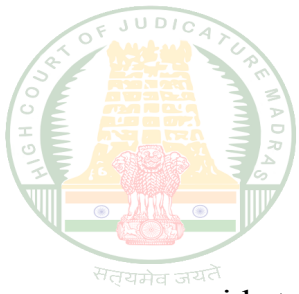
For Petitioner : Mr. C. Manohar Gupta for
Mr. P.M. Sozhendran

For Respondent : Mr. A. Deivasigamani

COMMON ORDER

These Writ petitions have been filed challenging the orders passed by the Principal Labour Court, Coimbatore in C.P. No.52 of 2010 dated 02.11.2021 and C.P. No.57 of 2021 dated 05.05.2023 passed by the Additional Labour Court, Coimbatore, respectively.

2. The respondent herein was employed under the petitioner Management and he was removed from service by the Management on 04.02.1999. Challenging the said order, the respondent raised an industrial dispute in I.D. No.322 of 1999 before the Labour Court, Coimbatore and the same was allowed after full trial and the Labour Court passed an Award dated 11.03.2002 directing the petitioner Management to reinstate the respondent into service and to pay him full backwages. Thereafter, the petitioner Management filed a Writ petition in W.P. No.7781 of 2003 challenging the Award dated 11.03.2002 passed in I.D. No.322 of 1999 and obtained stay. Thereafter, an appeal was filed in W.A. No.1666 of 2003 as against the above



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said stay order passed in W.M.P. No.10000 of 2003 in W.P. No.7781 of 2003.

Thereafter, the respondent herein raised an industrial dispute under Section 2A of the Industrial Disputes Act on 13.02.2003 alleging that the Management stopped offering him work from 11.02.2003 and thereafter, conciliation proceedings failed and failure report was submitted on 13.02.2003. In the meantime, the parties arrived at settlement on 01.11.2003 and subsequently, on 24.08.2006, the W.A. No.1666 of 2003 was disposed of by this Court in terms of settlement arrived at between the parties. As per the settlement, the Management agreed to provide work to the respondent from 01.11.2003, thereby, the dispute raised by the respondent dated 13.02.2003 alleging that the service of the respondent was terminated on 11.02.2003, was closed. The respondent filed a Computation petition in C.P. No.986 of 2002 claiming backwages in terms of the Award dated 11.03.2002 passed in I.D. No.322 of 1999 and the same was not pursued.

2.1. After the order passed in W.A. No.1666 of 2003, the respondent filed a Computation Petition in C.P. No.52 of 2010 claiming the benefits arising out of the Award dated 11.03.2002 for the period from 01.01.1999 to 28.02.2010 and also claimed leave salary and bonus totaling to a sum of

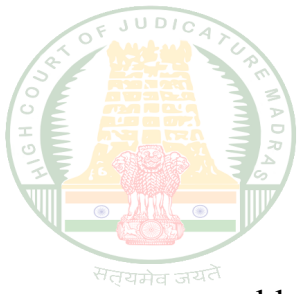


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Rs.7,40,357/-. Before the Labour Court, the petitioner, in Computation Petition, had taken a plea that the respondent joined duty on 15.11.2002 as per the Award passed in I.D. No.322 of 1999, therefore, the respondent is entitled to backwages only for the period from 04.02.1999 till 14.11.2002. Since the respondent was reinstated in terms of the order passed by the Labour Court, he is not entitled to backwages after 15.11.2002. However, the Labour Court, computed the amount as prayed for in the Computation petition filed by the claimant and after deducting the salary and bonus, computed a sum of Rs.5,92,700/- with interest @ 9% per annum.

2.2. Aggrieved by the said order, the Writ Petition in W.P. No.150 of 2022 has been filed by the Managmeent. Again the respondent filed a Computation Petition in C.P. No.57 of 2021 before the Additional Labour Court, Coimbatore claiming salary for the remaining period from 01.03.2010 to 30.11.2021. The Labour Court computed the amount to the tune of Rs.10,66,650/-. Aggrieved by the said order, the Writ petition in W.P. No.20000 of 2023 has been filed by the Management.

3. The learned counsel appearing for the Writ petitioner Management



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would submit that the respondent was terminated from service in the year 1999 and thereafter, the respondent raised an industrial dispute in I.D. No.322 of 1999 and the same was allowed on 11.03.2002 directing the petitioner Management to reinstate the respondent into service and to pay him full backwages. Against which, a Writ petition in W.P. No.7781 of 2003 was filed, wherein a miscellaneous petition in W.M.P. No.10000 of 2023 was filed and the same was allowed by granting interim stay. Aggrieved by the said order, an appeal was filed in W.A. No.1666 of 2003 by the petitioner Management. In the meantime, the respondent joined duty on 15.11.2002 and worked till 11.02.2003. Thereafter, the respondent raised an industrial dispute under Section 2A of the Industrial Disputes Act stating that the Management stopped offering him work from 11.02.2003 and thereafter, the same was closed based on the settlement arrived at between the parties in W.A. No.1666 of 2003. As per the compromise, the petitioner Management offered employment to the respondent from 01.11.2003. In fact, the settlement dated 01.11.2003 has nothing to do with the reinstatement of the respondent from 15.11.2002 and the Industrial dispute raised by the respondent on 11.02.2003.



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3.1. Moreover, the respondent filed a C.P. No.986 of 2002 claiming backwages and the same was not pursued. Since the respondent joined duty on 15.11.2002 and worked till 11.02.2003, he has to raise a fresh industrial dispute in respect of the alleged subsequent termination. In fact, the respondent himself absented duty and no termination order was passed against him. Therefore, the disputed facts cannot be adjudicated through a petition filed under Section 33(c)(2) of the Industrial Disputes Act. But the Labour Court failed to consider the same and computed the amount. Therefore, the respondent is only entitled for the computed amount for the period from 04.02.1999 to 14.11.2002. Since the respondent joined duty on 15.11.2002 and worked till 11.02.2003, the order passed in I.D. No.322 of 1999 has been complied with. The respondent himself admitted the joining of the duty and thereafter, according to the respondent, no employment was given to him and for that, he raised an industrial dispute and the Conciliation Officer also conciliated the matter and submitted the failure report. Therefore, the respondent ought to have raised an industrial dispute in respect of subsequent termination and therefore, the computation petition is not maintainable for the period after 15.11.2002 and the order passed by the Labour Court for the period after 15.11.2002 is against law and the same is



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liable to be quashed.

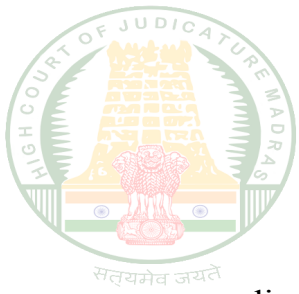
4. The learned counsel appearing for the respondent would submit that the respondent was employed by the Writ petitioner Management. During the tenure of his employment, he was illegally terminated with effect from 04.02.1999. Therefore, he raised an industrial dispute in I.D. No.322 of 1999 on the file of the Labour Court, Coimbatore. The said industrial dispute was allowed on 11.03.2002 directing the Writ petitioner Management to reinstate the respondent into service with full backwages along with all other attendant benefits. Thereafter, the Writ petitioner challenged the said order through a Writ petition. During the pendency of said Writ petition, an application in W.M.P.10000 of 2023 was filed and an interim stay was granted by this Court on condition to deposit the entire backwages and the same was challenged through an appeal in W.A. No.1666 of 2003, where this Court directed the Writ petitioner Management to retain the entire amount of backwages to the tune of Rs.1,80,000/- and the petitioner shall pay a sum of Rs.1,200/- per month towards interest on the said amount from August 2006 and also to pay Rs.49,000/- equivalent to interest till the month of July 2006 to the respondent. Accordingly, the Writ petitioner paid a sum of Rs.49,000/- and



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Rs.1,200/- per month. Thereafter, the said Writ appeal was disposed of on 24.08.2006 based on the settlement arrived at between the parties. Based on the above settlement, the Writ petition in W.P. No.7781 of 2003 was disposed of on 23.12.2009 by confirming the Award.

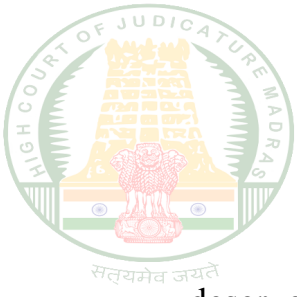
4.1. Thereafter, the respondent filed a Computation Petition for the period from 01.01.1999 to 28.02.2010 and the same was computed to the tune of Rs.5,92,700/- with interest @ 9% per annum. As against the same, the present Writ petition has been filed in W.P. No.150 of 2022. Again the respondent filed a Computation petition for the period from 01.03.2010 to 30.11.2021 in C.P. No.57 of 2021 and the same was computed through an order dated 05.05.2023 to the tune of Rs.10,66,650/- along with interest @ 9% per annum. Since, the said order was not complied by the petitioner Management, the respondent filed a Execution Petition in E.P. No.23 of 2023 and the same is pending. As against the order passed by the Labour Court in C.P. No.57 of 2021, the petitioner Management filed the Writ petition in W.P. No.20000 of 2023. Again the respondent filed a C.P.No.94 of 2024 claiming arrears for the wages for the remaining period from 01.12.2021 to 04.06.2023, the date on which the respondent was superannuated and the same is also



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pending. In fact, the Award passed by the Labour Court in I.D. No.322 of 1999 was confirmed by this Court in W.P. No.7781 of 2003. Before the Hon'ble Division Bench of this Court, the petitioner Management agreed to provide employment to the respondent with effect from 01.11.2003 and also agreed to pay salary on par with his counterparts with effect from 01.11.2003 as well. The entire backwages amount has been quantified to the tune of Rs.1,80,000/- for the period from the date of termination i.e., 04.02.1999 to 31.10.2003. Once the Management agreed to pay the backwages for the period from 04.02.1999 to 31.10.2003 before the High Court, thereafter, the petitioner Management cannot resile from their stand in C.P. No.52 of 2010. As per the memo, the petitioner Management had undertaken to reinstate the respondent with effect from 01.11.2003 and to pay a salary on par with his counterparts. Therefore, the order passed by the Labour Court has to be confirmed. The petitioner Management has relied on a complaint in Na.Ka No.103 of 2003 filed before the ACL (Conciliation) Officer, Coimbatore, that is only for implementation of the Award in I.D. No.322 of 1999. Therefore, once the Award passed in I.D. No.322 of 1999 was confirmed by the High Court vide order passed in W.P. No.7781 of 2003, the Management cannot deny to pay the wages. Therefore, these Writ petitions have no merits and



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deserve to be dismissed.

5. Heard both sides and perused the entire materials available on record.

6. Both the Writ petitions have been filed challenging two different orders passed in two different Computation Petitions by the Labour Court, Coimbatore. As far as W.P. No.150 of 2022 arising out of C.P. No.52 of 2010 is concerned, the petitioner Management admitted that they have to pay backwages from 04.02.1999 to 14.11.2002. The respondent herein has filed a Computation petition for the period from 01.01.1999 to 28.02.2010 and claimed a sum of Rs.7,40,357/- along with leave salary and bonus. The Labour Court computed the amount by refusing to include the leave salary and bonus and awarded salary to the respondent to the tune of Rs.5,92,700/- with interest @ 9% p.a.. There is no dispute that as per the Award in I.D. No.322 of 1999 dated 11.03.2002 directing the petitioner Management to reinstate the respondent into service along with full backwages. It is also an admitted fact that the respondent joined service on 15.11.2002.



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7. According to the petitioner, after joining into service, the respondent worked up to 11.02.2003. The respondent also not denied the joining of duty. However, according to the respondent, the Management immediately after five days, once again terminated the respondent from service. Therefore, he approached the Authority under Section 2A of the Industrial Disputes Act by raising an industrial dispute on 13.02.2003. Therefore, according to the respondent, the reinstatement is not a real one and the award passed by the Labour Court in I.D. No.322 of 1999 dated 11.03.2002 is still continuing.

8. Once the respondent was reinstated into service, the Award passed by the Labour Court comes to an end on the date of reinstatement. Therefore, the earlier Award passed by the Labour Court in I.D. No.322 of 1999 dated 11.03.2002 was complied with by the petitioner Management by way of reinstatement. At the same time, the respondent workman is entitled to the backwages till his reinstatement. According to the petitioner Management, after some time, from 11.02.2003 onwards, the respondent failed to attend duty, but according to the respondent, he was orally terminated and also he raised an industrial dispute before the Conciliation Officer. Therefore, there are disputed facts in respect of the subsequent oral termination order. For that, the respondent ought to have raised a separate industrial dispute. The



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respondent also admitted that he approached the Authorities for the subsequent termination, but not pursued the matter. However, the Labour Court failed to consider the same and computed the amount, even after reinstatement by the Management. Therefore, the Labour Court has committed an error. After the reinstatement, the order passed by the Labour Court in I.D. No.322 of 1999 dated 11.03.2002 has no effect, since it was already complied with. Whatever reasons stated by the Labour Court are not acceptable, since the order passed in I.D. No.322 of 1999 dated 11.03.2002 was already complied with, in respect of the reinstatement.

9. It is true that this Court confirmed the Award passed by the Labour Court in I.D. No.322 of 1999 through an order passed in W.P. No.7781 of 2003 dated 23.12.2009, where before the Hon'ble Division Bench of this Court, the petitioner Management admitted to provide employment for the 2nd time termination. Therefore, it cannot be said that the order passed by the Labour Court in I.D. No.322 of 1999 continues even after the compliance of the order by way of reinstatement. The settlement made between the parties is in respect of the reinstatement for the 2nd time termination, but not for the previous Award.

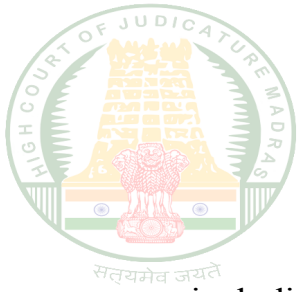


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10. The alleged date of reinstatement is 15.11.2002 and the oral termination for the 2nd time is on 11.02.2003. Between the said period, the respondent worked for some days and received salary and thereafter, he was absent. According to the petitioner, the respondent worked for some period and thereafter, he was absent and no termination order was passed against the respondent, but according to the respondent, he was orally terminated from 11.02.2003. These facts have to be adjudicated by the appropriate Authority, while deciding the application under Section 33(c)(2) of the Industrial Disputes Act, the Labour Court cannot decide the subsequent termination, since there are disputed facts and needs to be adjudicated. Therefore, the order passed in Computation petition by the Labour Court after 15.11.2002 is without jurisdiction. Therefore, the Award passed by the Labour Court is liable to be set aside to that extent.

11. At the same time, the respondent is at liberty to raise an industrial dispute for the 2nd termination. The respondent had also taken any steps to raise industrial dispute on 13.02.2003, but not pursued. Since the dispute is pending before the Court, the period of pending proceedings before this Court



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including the proceedings in respect of the Industrial Dispute and the Computation Petition, the respondent is entitled to the benefit of Section 14 of the Limitation Act.

12. In view of the above said discussions, the Writ petition in W.P. No.150 of 2022 is partly allowed and the respondent is entitled to the backwages for the period from 01.01.1999 to 14.11.2002 in respect of the admitted amount of Rs.1,19,963/-. As far as the interest is concerned, though there is no interest awarded by the Labour Court in the main industrial dispute, the Labour Court cannot award interest in the computation petition. However, the petitioner Management has not disputed the said interest awarded by the Labour Court in the Computation petition. Therefore, the respondent is entitled to the interest for the above said amount from the date of Award till the date of realization of the amount. As far as the computation of amount after 15.11.2002 is concerned, the Labour court has no jurisdiction to decide the dispute while exercising power under Section 33(c)(2) of the Industrial Disputes Act. Therefore, the order passed by the Labour Court in C.P. No.57 of 2021 is quashed.



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13. In view of the above said discussions and directions, the Writ petition in

(i) W.P. No.150 of 2022 is *partly allowed and the order passed by the Labour Court in C.P. No.52 of 2010 is modified to the effect that the respondent is entitled to the backwages from 01.01.1999 to 14.11.2022 and for the remaining period, the order is set aside.*

(ii) *The W.P. No.20000 of 2023 is allowed and the order passed by the Labour Court dated 05.05.2023 in C.P. No.57 of 2021 is set aside and the C.P. No.57 of 2021 is dismissed. The respondent is at liberty to raise industrial dispute for the 2nd termination in accordance with law. The respondent is entitled to the benefit of Section 14 of the Limitation Act for the period of pending proceedings before this Court.* There shall be no order as to costs. Consequently, the connected miscellaneous petitions are closed.

30.07.2025

Index : Yes/No.
Speaking order/non-speaking order
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P. DHANABAL, J.,

mjs

To

1. The Presiding Officer,
The Principal Labour Court,
Coimbatore.

2. The Presiding Officer,
The Additional Labour Court,
Coimbatore.

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and
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