



W.P.Nos.1250, 1253, 8624 & 8628 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.03.2025

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P.Nos.1250, 1253, 8624 & 8628 of 2019

and

W.M.P.Nos.9141, 9142 & 9152 of 2019

W.P.Nos.1250 & 8624 of 2019

S.Ravi

... Petitioner in W.P.No.1250 of 2019 &
Respondent in W.P.No.8624 of 2019

Vs.

The Management,

C-1372, Tiruvannamalai Milk Producers Co-Operative Society,

79, Ayyankula Street,

Tiruvannamalai – 606 601,

Tiruvannamalai District.

... Respondent in W.P.No.1250 of 2019 &
Petitioner in W.P.No.8624 of 2019

W.P.Nos.1253 & 8628 of 2019

G.Ramamoorthy

... Petitioner in W.P.No.1253 of 2019 &
Respondent in W.P.No.8628 of 2019

Vs.

The Management,

C-1372, Tiruvannamalai Milk Producers Co-Operative Society,

79, Ayyankula Street,

Tiruvannamalai – 606 601,

Tiruvannamalai District.

... Respondent in W.P.No.1253 of 2019 &
Petitioner in W.P.No.8628 of 2019



W.P.Nos.1250, 1253, 8624 & 8628 of 2019

Prayer in W.P.No.1250 of 2019 : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, to call for the records in C.P.No.32 of 2016 on the file of the Principal Labour Court, Vellore and quash the award in respect of the disallowed portion of the C.P.

Prayer in W.P.No.1253 of 2019 : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, to call for the records in C.P.No.31 of 2016 on the file of the Principal Labour Court, Vellore and quash the award in respect of the disallowed portion of the C.P.

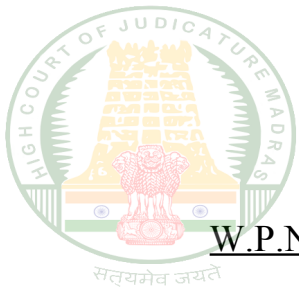
Prayer in W.P.No.8624 of 2019 : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, to call for the records in C.P.No.32 of 2016 on the file of the Principal Labour Court, Vellore, Vellore District herein, quash the order dated 18.04.2018 passed therein.

Prayer in W.P.No.8628 of 2019 : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, to call for the records in C.P.No.31 of 2016 on the file of the Principal Labour Court, Vellore, Vellore District, quash the order dated 18.04.2018 passed therein.

W.P.Nos.1250 & 1253 of 2019

For Petitioner : Mr.B.Jawahar

For Respondent : Mr.K.V.Shanmuganathan



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W.P.Nos.8624 & 8628 of 2019

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For Petitioner : Mr.K.V.Shanmuganathan

For Respondent : Mr.B.Jawahar

COMMON ORDER

Aggrieved by the award passed in C.P.Nos.32 & 31 of 2016, the management has filed two writ petitions in W.P.Nos.8624 & 8628 of 2019. Claiming the balance amount claimed in the C.P., the respective workman have also filed writ petitions in W.P.Nos.1250 & 1253 of 2019. Since the issue involved in these writ petitions are arising out the common order passed in C.P.Nos.31 and 32 of 2016, these writ petitions were heard together and disposed of by way of this order common order.

2. For brevity, the petitioner in W.P.Nos.1250 & 1253 of 2019 are hereinafter referred to as workmen and the petitioner in W.P.Nos.8624 & 8628 of 2019.

3. The workmen were employed under the management as Clerk-cum-Supervisors and their salary was Rs.688/- p.m. in the year 1985. On 27.01.1989, they were suspended from service pending enquiry and on



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24.02.1989 charges were framed against them and a domestic enquiry

was conducted on 15.03.1989. On the basis of the Enquiry Officer's

finding dated 28.07.1989 and after considering the explanation offered by

the workmen on 27.09.1989, the management removed the workmen

from service on 20.07.90, aggrieved by the same, the workmen raised

industrial disputes in I.D.Nos.577 and 578 of 1993 before the Labour

Court and the Labour set aside the order of termination and directed the

management to reinstate with backwages, all other attendant benefits and

continuity of service vide award dated 09.10.1997. Challenging the said

award, the management had filed writ petition before this Court in

W.P.No.8101 of 1998 and this Court, by its order dated 16.10.2003

modified the award of the Labour Court with reference to the backwages,

directing the management to deposit a sum of Rs.50,000/- to the credit of

I.D.Nos.577 and 578 of 1993, against which, the management had filed a

writ appeal before the Division Bench of this Court in W.A.No.123 of

2004 and the same was dismissed vide judgment dated 29.08.2008.

Thereafter, the workmen filed petitions u/s 33(C)(2) of the Industrial

Disputes Act, 1947 before the Principal Labour Court, Vellore, Vellore

District claiming a sum of Rs.38,30,953/- each to the workmen and the

Labour Court partly allowed the petitions, holding the workmen are



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entitled to a sum of Rs.9,53,766/- each from the management and directed the management to pay sum of Rs.9,03,766/- to each of the workmen, after deducting Rs.50,000/-, which was already deposited by the management, vide common order dated 18.04.2018. Challenging the same, both the management and the workmen have filed the above writ petitions.

4. Learned counsel appearing for the management submitted that, as per the calculation of the management, it is only about Rs.5,00,000/-, however, the Labour Court ordered for a sum of Rs.9,53,766/- in the absence of proper calculation memo filed by the workmen, which is highly excessive and the same is wholly unsustainable. Accordingly, he prays for allowing the writ petitions filed by the management and dismissal of the writ petitions filed by the workmen.

5. Per contra, learned counsel for the workmen submitted that, the order of termination was passed in the year 1990 and the issue came to an end before the Division Bench of this Court in the year 2008. Immediately, they have approached the counsel who appeared before the Labour Court and due to the fault at the counsel, they could not approach



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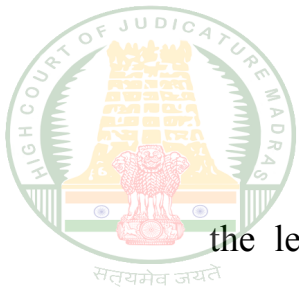
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the Labour Court by way of computation petition, thereby, there was a delay in filing the computation petition, which cannot be held against the workmen, since they have diligently followed the case. Accordingly, he prays for dismissal of the writ petition filed by the management and allowing the writ petitions filed by the workmen.

6. Heard the learned counsel appearing for the parties and also perused the materials available on record.

7. Admittedly, the order of termination was passed on 02.07.1990 and the same was set aside by the Labour Court, which was challenged before this Court and ultimately, the Division Bench of this Court held in favour of the workman on 29.08.2008. Thereafter, the workmen have filed the computation petitions before the Labour Court and the Labour Court passed order in favour of the workmen, assailing which, the present writ petitions are filed.

8. A perusal of the impugned order reveals that the workmen have filed the computation petitions with a delay of eight years. Even though there is no limitation to file computation petition, however, considering



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the lethargic position of the workmen in filing the petitions and not showing interest in reporting duty to the management, which is essential for getting future wages, the Labour Court had held that the workmen are not entitled to receive wages from the date of judgment of the Division Bench of this Court i.e., 29.08.2008 till the filing of computation petition i.e., 2016. Though the workmen claimed a sum of Rs.38,30,953/- each, however, by considering the calculation memo filed by the management as well as the workmen, the Labour Court arrived at a conclusion that the workmen are entitled to a sum of Rs.9,53,766/-, which is *per se* sustainable and the cannot be said to be perverse, illegal or arbitrary. Therefore, this Court is not inclined to interfere with the impugned common order passed by the Labour Court and hence, these writ petitions are liable to be dismissed.

9. Accordingly, these writ petitions are dismissed. No costs.

Consequently, the connected writ miscellaneous petitions are closed.

28.03.2025

Index : Yes / No
Speaking order / Non-speaking order
Neutral Citation Case : Yes / No
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M.DHANDAPANI, J.

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To

The Principal Labour Court,
Vellore,
Vellore District.

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28.03.2025