



WEB COPY



W.P.No.3277 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 26.06.2025

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No.3277 of 2024
and WMP.No.3542 of 2024

K.K.Sadhasivam

... Petitioner

Vs.

The Management of Sundaram Clayton Limited
Rep. by its Managing Director
SCL, MTH Road, Padi
Chennai - 600 050.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records and to set aside the order passed in I.A.No.1 of 2023 in O.P.(ID) No.52 of 2023 by the I Additional Labour Court at Chennai, dated 18/12/2023 and pass such further other orders as this Court may deem fit and proper in the circumstances of the case.

For Petitioner : Mr.A.Thiruvilankumar

For Respondent : Mr.A.P.Venkatesh Prasad
for Mr.G.Anand Gopalan



W.P.No.3277 of 2023

ORDER

WEB COPY

The workman who is the petitioner before this Court seeks to issue a Writ of Certiorarified Mandamus calling for the records of the I Additional Labour Court at Chennai in I.A.No.1 of 2023 in O.P.(ID) No.52 of 2023 and to quash the same. Though the prayer is one for Writ of Certiorarified Mandamus, however, the petitioner does not seek any consequential direction to the authorities. Therefore, in effect, the Writ is one for a Certiorari.

2. The facts are briefly set out herein below :

- a) The petitioner had raised an industrial dispute in O.P.(ID) No.52 of 2023 on the file of the I Additional Labour Court, Chennai, seeking to reinstate him in service with full backwages, continuity of service with all consequential and attendant benefits.
- b) The petitioner joined the services of the respondent-company as a Operator Trainee on 04.07.2002 and his service was confirmed on 05.07.2004, and he continued to work as a Operator for over 16 years with an unblemished record.
- c) The petitioner had been deputed to work in all three shifts on



WEB COPY



W.P.No.3277 of 2020

rotational basis, and he had been discharging his duties diligently.

- d) While so, on 20.02.2020, the petitioner was terminated from service. When enquired, he was informed that the Management had issued instructions to terminate few workmen including the petitioner herein. The Management had also insisted the petitioner to submit his letter of resignation. Though the petitioner initially had refused to submit his letter of resignation, the same was obtained by the officials of the respondent-Management by threat and coercion, which according to the petitioner, is not binding on him.
- e) The petitioner in his affidavit would contend that he is entitled to get a settlement amount of Rs.3,59,24,500/-, but the respondent had paid a meager amount of Rs.17,74,362/- as final settlement, (including the gratuity and provident fund of the petitioner). But, according to the petitioner, the respondent-Management has not provided him proper calculation and he would contend that as per his calculation he was entitled to a sum of Rs.3,59,24,500/- + provident fund + gratuity.
- f) Aggrieved by his illegal termination, the petitioner raised an



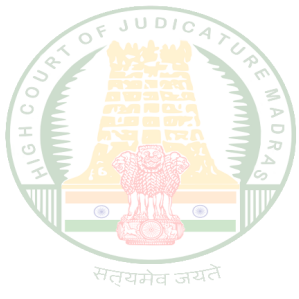
WEB COPY



W.P.No.3277 of 2022

industrial dispute before the Deputy Commissioner of Labour, Kuralagam, Chennai on 14.11.2022. Since the Management refused to reinstate the petitioner in service, the conciliation proceedings ended in failure and conciliation report was issued on 02.12.2022.

- g) Since he was not favoured with the conciliation proceedings, the petitioner had approached the I Additional Labour Court, Chennai in O.P.No.52 of 2023.
- h) Pending the said O.P, the respondent-Management had filed I.A.No.1 of 2023 in O.PNo.52 of 2023 seeking leave of the I Additional Labour Court to direct the workman to deposit a sum of Rs.17,74,362/- before it, as a pre-condition to maintain the industrial dispute. The grounds on which the said I.A. was filed by the Management was that the workman having agreed to get relieved under the Voluntary Retirement Scheme and he having received the said amount over and above his statutory entitlement and now alleging termination, cannot be entertained. According to the Management, the cessation of employment was mutual and only on agreed terms.



WEB COPY



W.P.No.3277 of 2023

- i) The petitioner-workman had filed his counter to the said I.A., stating that his voluntary retirement settlement amount has not been calculated properly and his resignation had been fraudulently obtained by the Management by threat and coercion. Therefore, the intent behind filing the said I.A. by the Management, was to escape from the clutches of law in reinstating the workman in service with full backwages, continuity of service etc., Hence, he sought for the dismissal of the said I.A.,
- j) The I Additional Labour Court by order dated 18.12.2023, had allowed the I.A.No.1/2023 in O.P.No.52/2023, thereby directing the workman to deposit a sum of Rs.15,05,000/- before it within a period of one month.

Challenging the same, the petitioner-workman is before this Court.

3. Heard the learned counsel on either side.

4. The crux of the issue is that the petitioner-workman who having received the amount towards full and final settlement, has initiated an industrial dispute alleging his termination. To this, the respondent-



WEB COPY

Management had contended that the petitioner-workman can contest the O.P. only after re-depositing the amount received by him. The petitioner having received the amount towards full and final settlement, but still continue to maintain the O.P., seeking reinstatement. A similar issue of yet another workman employed under the same respondent-Management, had already been considered by this Court in an earlier writ petition in W.P.No.3245 of 2024 (*N.Saravanan Vs.The Management of Sundaram Clayton Limited*). The learned Single Judge of this Court had relied upon the judgment of the Hon'ble Supreme Court in *Ramesh Chandra Sankla & Others Vs. Vikram Cement & Ors. reported in (2008) 14 SCC 58* and had rejected the writ petition.

5. The facts of the case in W.P.No.3245 of 2024 would squarely apply to the case on hand. Therefore, the writ petition is dismissed in line with the order of this Court in W.P.No.3245 of 2024. It is seen that the Labour Court had given a month's time to the petitioner to make the deposit. However, the deposit was not made within the time stipulated by the Labour Court, hence, in the interest of justice, an opportunity is given to the petitioner to make the deposit within a period of four weeks from the



W.P.No.3277 of 2025

date of receipt of a copy of this order. No costs. Consequently, connected
miscellaneous petition is closed.

WEB COPY

26.06.2025

Index : Yes / No

Neutral Citation : Yes / No

ds



WEB COPY



W.P.No.3277 of 2024

P.T. ASHA, J.

ds

W.P.No.3277 of 2024

26.06.2025