



W.P.No.4257 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.02.2025

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

**W.P.No.4257 of 2025
and W.M.P.No.4766 of 2025**

C.Ramesh

... Petitioner

Vs.

The Management,
M/s.Industrial Fans India Pvt. Ltd.,
Nellikuppam High Road,
Kayarambedu Village,
Guduvancherry, Chengalpattu Taluk,
Kancheepuram District.

... Respondent

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari, to call for the records pertaining to the order dated 12.07.2024 passed in C.P.No.57 of 2018 on the file of the Labour Court, Kancheepuram, quash the same and modify the same by allowing the claim in entirety as asked for in C.P.No.57 of 2018 with interest @ 12% p.a from 17.10.2013 to till date of its realization.

For Petitioner : Mr.S.Pushpakaran



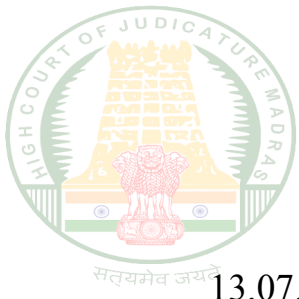
W.P.No.4257 of 2025

WEB COPY

ORDER

This Writ Petition has been filed to call for the records pertaining to the order dated 12.07.2024 passed in C.P.No.57 of 2018 by the Labour Court, Kancheepuram, quash the same and modify the order by allowing the claim in entirety as sought for in C.P.No.57 of 2018 with interest at 12% per annum from 17.10.2013 till the date of realization.

2. The learned counsel appearing for the petitioner submits that the petitioner was working as Storekeeper in the respondent Company and due to sudden conflict between the petitioner and the respondent Company regarding non-payment of Provident Fund and ESI Fund to the employees, the respondent Company terminated the petitioner from service on 17.10.2013, without issuing any notice. Thereafter, the petitioner raised an industrial dispute in I.D.No.351 of 2014 before the I Additional Labour Court, Chennai, to set aside the order of dismissal and direct the respondent to reinstate the petitioner into service with continuity of service, backwages and other attendant benefits. The Labour Court, vide order dated



W.P.No.4257 of 2025

WEB COPY

13.07.2016, directed the respondent Company to reinstate the petitioner with continuity of service and pay backwages and other attendant benefits. However, the respondent has not complied with the order of the Labour Court which constrained the petitioner to file a claim petition under Section 33C(2) of the Industrial Disputes Act, 1947, in C.P.No.57 of 2018 to compute the money value of Rs.6,05,500/- before the Labour Court, Kancheepuram and direct the respondent to pay the same to the petitioner. Thereafter, vide impugned order dated 12.07.2024, though the Labour Court computed the money value of the claim at Rs.4,18,500/- and directed the respondent to pay the same within one month, the Labour Court has not considered the claim of the petitioner regarding yearly increment, bonus and bus pass allowance and also not ordered to pay interest for the award amount. In fact, at the time of termination, the petitioner was receiving a sum of Rs.9,000/- per month + Rs.1,000/- for bus pass. To prove the same, the petitioner has also marked a copy of statement of the accounts as Ex.P6 before the Labour Court. However, the Labour Court has not considered the same. Hence, this writ petition has been filed.

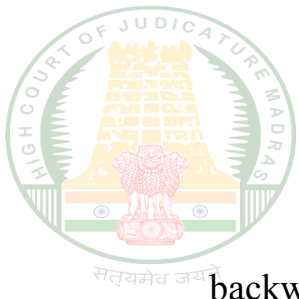


W.P.No.4257 of 2025

WEB COPY

3. Since no adverse order is going to be passed against the respondent, notice to the respondent is dispensed with.

4. The employment of the petitioner with the respondent Management was not denied by the respondent before the Labour Court. The main grievance of the petitioner is that the Labour Court, while allowing the monthly salary at Rs.9,000/-, has not considered his claim for yearly increment, bonus and bus pay and has not ordered for interest for the award amount. However, the fact remains that the petitioner has produced a copy of the statement of accounts, which was marked as Ex.P6, before the Labour Court which would show that the petitioner had been receiving a sum of Rs.9,000/- per month as salary during the time of termination, whereas, to prove that the petitioner was given a sum of Rs.1,000/- per month as increment and he had received the bonus and bus pass, no proof is produced by the petitioner and thereby, the Labour Court held that the petitioner was entitled only to Rs.9,000/- per month towards salary as



W.P.No.4257 of 2025

WEB COPY

backwages for the period from 17.10.2013 to August 2017 amounting to Rs.4,18,500/- which was the money value of the claim and the respondent was directed to pay the same to the petitioner within one month which, in the considered view of this Court, does not suffer from any illegality or infirmity. Further, in proceedings under Section 33C(2) of the ID Act, the Labour Court does not have the power to award interest and hence, the Labour Court has not awarded any interest on the awarded amount.

5. Accordingly, this Writ Petition is dismissed. No costs.

Connected miscellaneous petition is closed.

10.02.2025

NCC: Yes / No

Index : Yes / No

Speaking Order : Yes / No

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W.P.No.4257 of 2025

WEB COPY
To

The Labour Court,
Kancheepuram.



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W.P.No.4257 of 2025

M.DHANDAPANI, J.

ssb

W.P.No.4257 of 2025

10.02.2025