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W.P.No.11479 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.04.2025

CORAM :

THE HONOURABLE MR.JUSTICE **M.DHANDAPANI**

W.P.No.11479 of 2025
and
WMP.No.12970 of 2025

S.Raju (deceased)

1. Vasantha
2. Kannan
3. Harikrishnan
4. Elavarasi

(Petitioners 1 to 4 are legal heirs of the deceased)

...Petitioners

Vs.

The Madras Flying Club,
Represented by its Hon'ble Secretary,
Old Airport, Meenambakkam,
Chennai – 600 027.

...Respondent

Writ Petition filed under Article 226 of Constitution of India, praying for issuance of Writ of Certiorarified Mandamus, to call for the records and quash the judgment passed by the Labour Court at Kanchipuram in Claim Petition No.161 of 2018 dated 02.08.2023 and direct the respondent to pay a sum of Rs.6,33,882/- to the petitioners with interest from the date of retirement to till the date of payment as claimed in the claim petition.

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For Petitioners : Mr.P.Prakash Paul

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ORDER

This Writ Petition has been filed seeking quashment of the order passed by the Labour Court, Kanchipuram in C.P.No.161 of 2018 dated 02.08.2023 and for a consequential direction to the respondent to pay a sum of Rs.6,33,882/- to the petitioners with interest from the date of retirement to till the date of payment as claimed in the claim petition.

2. Since no adverse order is being passed against the respondent, notice to the respondent is dispensed with.

3. The case of the petitioners is that the first petitioner's deceased husband namely Raju filed a claim petition u/s. 33(C)2 of the Industrial Disputes Act before the Labour Court, Kanchipuram in C.P.No.161 of 2018, claiming a sum of Rs.6,33,882/- due to him under various heads such as arrears of pay scale, pending salary for various periods, the bonus amount, extra overtime and earned leave encashment, promotion arrears and minimum bonus etc., with 12% interest. Before the Labour Court, the said Raju examined himself as witness and marked nine (9) documents on his side,



whereas, no documents were marked on the part of the respondent Management. However, without considering any of the above documentary evidences, the Labour Court had dismissed the said claim petition, vide impugned order dated 02.08.2023. Challenging the same, the present writ petition has been filed by the legal heirs of the deceased Raju.

4. Learned counsel for the petitioners submitted that the Labour Court failed to consider the representation made by the deceased with postal receipts claiming arrears of pending dues and had also failed to consider that the deceased was not paid salary as per the Sixth Pay Commission and when the Sixth Pay Commission was implemented, the Management refused to pay salary as per the Sixth Pay Commission. He reiterated that the deceased is entitled to receive the Sixth Pay Commission, since the respondent is a public limited and the subsidies are given by the Director General of Civil Aviation, Government of India and the Company is a member of Aero Club of India.

5. This Court gave its careful consideration to the arguments advanced by the learned counsel for the petitioners and perused the materials available on record.



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6. Admittedly, the deceased had retired from service. The respondent Management appeared before the Labour Court and filed a counter affidavit stating that the service records of the deceased was stolen by one Rajkumar and the criminal case was filed with respect to the same. The respondent Management contended that there is no amount due from the Management to the deceased with respect to the salary and that the respondent Management is not indulging in any commercial activity, resulting in profits and thereby, the question of overtime charges and incentives does not arise. That apart, the respondent Management has submitted that no documents have been filed by the deceased with respect to his claim that he is entitled to receive the salary and other benefits as per the recommendation of the Sixth Pay Commission.

7. This Court, after carefully going through the award passed by the Labour Court, is able to find out that the Labour Court has categorically recorded that no documents were filed by the deceased with respect to pending salary. However, a perusal of the documents filed by the deceased before the Labour Court reveals that the salary and other allowances have been disbursed to the deceased till the date of his retirement. The Labour



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Court has also recorded that the deceased failed to produce any document to substantiate the stand that the Sixth Pay Commission Recommendation is applicable to the employees working in the respondent Management. Further, no documents are filed to substantiate the arrears of salary and other allowances. Therefore, this Court, after carefully considering the facts and circumstances of the case, is of the view that the Labour Court has passed the present impugned award after going through the oral and documentary evidences, in which no interference is called for.

8. Accordingly, this Writ Petition stands dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

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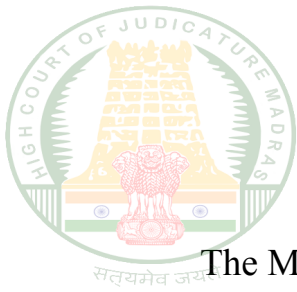
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NCC : Yes/No
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The Madras Flying Club,
Represented by its Hon'ble Secretary,
Old Airport, Meenambakkam,
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This petition is ordered on payment
of single Court fee.

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RAP