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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.03.2025

CORAM :

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

W.P.Nos.11123, 11196, 11261 and 11263 of 2025
and W.M.P.Nos.12553, 12702, 12625 and 12704 of 2025

W.P.No.11123 of 2025

D.Soundarajan ... Petitioner

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, call for the records and quash the judgment passed by the Labour Court at Kanchipuram in Claim Petition No.165 of 2018 dated 02.08.2023 and direct the respondent to pay a sum of Rs.6,29,225/- to the petitioner with interest from the date of retirement to till the date of payment as claimed in the claim petition.

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W.P.No.11196 of 2025

D.Daniel ...Petitioner

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, call for the records and quash the judgment passed by the Labour Court at Kanchipuram in Claim Petition No.163 of 2018 dated 02.08.2023 and direct the respondent to pay a sum of Rs.10,11,338/- to the petitioner with interest from the date of retirement till the date of payment as claimed in the claim petition.

W.P.No.11261 of 2025

P.Venkatasubramanian ...Petitioner

Vs.

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

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Writ Petition filed under Article 226 of Constitution of India, praying for issuance of Writ of Certiorarified Mandamus, call for the records and quash the judgment passed by the Labour Court at Kanchipuram in Claim Petition No.162 of 2018 dated 02.08.2023 and direct the respondent to pay a sum of Rs.8,94,092/- to the petitioner with interest from the date of retirement to till the date of payment as claimed in the claim petition.

W.P.No.11263 of 2025

V.Thomas ...Petitioner

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, call for the records and quash the judgment passed by the Labour Court at Kanchipuram in Claim Petition No.164 of 2018 dated 02.08.2023 and direct the respondent to pay a sum of Rs.8,61,861/- to the petitioner with interest from the date of retirement to till the date of payment as claimed in the claim petition.

In all writ petitions

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For Petitioner : Mr.P.P.Prakash

COMMONORDER

These Writ Petitions have been filed challenging the orders passed by the Labour Court, Kancheepuram in Claim Petition Nos.162 to 165 of 2018 and for a consequential direction to the respondent Management to pay the amount due to the petitioners with interest from the date of retirement till the date of payment.

2. The claim of the petitioners is that the petitioners have filed claim petitions before the Labour Court, Kancheepuram, claiming amount due to them 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., as per the recommendation of the Sixth Pay Commission. Before the Labour Court, the petitioners examined themselves as witnesses and marked the documents on their side, whereas, no documents were marked on the part of the respondent Management. After considering the submissions made by the learned counsel appearing for the petitioner and the learned counsel appearing for the respondent, the Labour Court dismissed

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the claim petitions. Challenging the same, these writ petitions have been filed.

3. The learned counsel appearing for the petitioners contends that the Labour Court failed to consider the representation made by the petitioners with postal receipts claiming arrears of pending dues. The Labour Court has also failed to consider that the petitioners were 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 petitioners are 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.

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

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5. Admittedly, the petitioners have retired from service. The respondent Management appeared before the Labour Court and filed a counter affidavit stating that the service records of these petitioners were 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 petitioners 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 paying the charges and incentives does not arise. That apart, the respondent Management has submitted that no documents have been filed by the petitioners with respect to their claim, that they are entitled to receive the salary and other benefits as per the recommendation of the Sixth Pay Commission.

6. 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 petitioners with respect to pending salary. However, a perusal of the documents filed by the petitioners before the Labour Court reveals that the salary and other allowances have

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been disbursed to the petitioners till the date of their retirement. The Labour Court has also recorded that the petitioners 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 award passed by the Tribunal and considering the facts and circumstances of the case, is inclined to dismiss these petitions as the Labour Court has passed the impugned awards after going through oral and documentary evidence.

7. Accordingly, these Writ Petitions are dismissed. There shall be no order as to costs. Connected miscellaneous petitions are closed.

28.03.2025

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NCC : Yes/No
Index : Yes/No
Speaking Order : Yes/No

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M.DHANDAPANI, J.

ssb

W.P.Nos.11123, 11196, 11261 and 11263 of 2025

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