



W.P.Nos.28727, 28728 and 28729 of 2010

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 07.01.2025

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.Nos.28727, 28728 and 28729 of 2010
and M.P.No.1 of 2010 in W.P.No.28727 of 2010
and M.P.No.1 of 2010 in W.P.No.28728 of 2010
and M.P.No.1 of 2010 in W.P.No.28729 of 2010

In W.P.No.28727 of 2010:-

The Superintending Engineer,
Tamil Nadu Electricity Board,
Thiruvannamalai Electricity
Distribution Circle,
Thiruvannamalai - 606 604.

.. Petitioner

Versus

1. The Presiding Officer,
Labour Court, Vellore.

2. V.Vasudevan

.. Respondents

In W.P.No.28728 of 2010:-

The Superintending Engineer,
Tamil Nadu Electricity Board,



W.P.Nos.28727, 28728 and 28729 of 2010

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Thiruvannamalai Electricity
Distribution Circle,
Thiruvannamalai - 606 604.

.. Petitioner

Versus

1. The Presiding Officer,
Labour Court, Vellore.

2. K.Rajendiran

.. Respondents

In W.P.No.28729 of 2010:-

The Superintending Engineer,
Tamil Nadu Electricity Board,
Thiruvannamalai Electricity
Distribution Circle,
Thiruvannamalai - 606 604.

.. Petitioner

Versus

1. The Presiding Officer,
Labour Court, Vellore.

2. C.Mannarsamy

.. Respondents

Prayer in W.P.No.28727 of 2010 : Writ Petition filed under Article 226 of the Constitution of India, pleaded to issue a Writ of Certiorari calling for the records of the first respondent relating to its order, dated 21.05.2008 passed in C.P.No.80 of 2007 and quash the same as illegal and without jurisdiction.



W.P.Nos.28727, 28728 and 28729 of 2010

WEB COPY

Prayer in W.P.No.28728 of 2010 : Writ Petition filed under Article 226 of the Constitution of India, pleaded to issue a Writ of Certiorari calling for the records of the first respondent relating to its order, dated 08.05.2008 passed in C.P.No.90 of 2007 and quash the same as illegal and without jurisdiction.

Prayer in W.P.No.28729 of 2010 : Writ Petition filed under Article 226 of the Constitution of India, pleaded to issue a Writ of Certiorari calling for the records of the first respondent relating to its order, dated 08.05.2008 passed in C.P.No.92 of 2007 and quash the same as illegal and without jurisdiction.

For Petitioner : Mr.G.Anand Gopalan
(in all W.Ps)

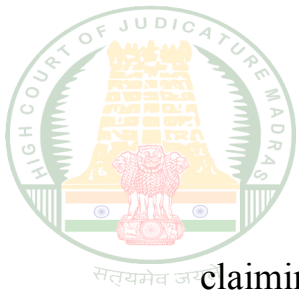
For Respondents : R1 - Labour Court
(in all W.Ps)

: R2 - Notice served

COMMON ORDER

All these Writ Petitions are connected to each other and as such, are taken up together and disposed of by this common order.

2. In these Writ Petitions, the individual orders passed in the Claim Petitions filed by the respective second respondent are under challenge. By



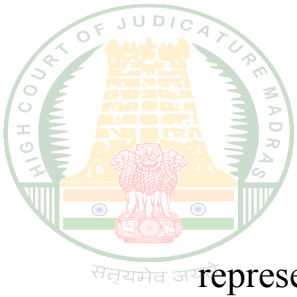
W.P.Nos.28727, 28728 and 28729 of 2010

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claiming that they have not paid the ex-gratia amount, the second respondent in the respective Writ Petitions approached the Labour Court under Section 33 of the Industrial Disputes Act, 1947, to compute the amount payable to them. The Labour Court, by the orders impugned, has passed orders dated 21.05.2008 and 08.05.2008 respectively computing the amount of ex-gratia payable to them. Aggrieved by the same, the management is before this Court.

3. When the matter came up for hearing, the learned Counsel for the petitioner submitted that the matters are no longer *res integra* and this Court by earlier orders in W.P.Nos.32553 to 32565 of 2002 and W.P.No.22107 of 2013 has held that in the matter of ex-gratia, there is no pre-existing right and therefore, the employees cannot directly file a petition under Section 33 C (2) of the Industrial Disputes Act.

4. Even though notices were served, the workmen are neither



W.P.Nos.28727, 28728 and 28729 of 2010

represented by any Counsel nor they are appearing in person before this
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Court.

5. I perused the said two judgments referred by the learned Counsel for the petitioner and it is clear that with reference to the petitioner Electricity Board itself, this Court has held that there is no any pre-existing right with reference to ex-gratia and petitions straight away under Section 33 C of the Industrial Disputes Act are not maintainable.

6. In view thereof, all these Writ Petitions are allowed and the orders passed in C.P.Nos.80, 90 and 92 of 2007, dated 21.05.2008 and 08.05.2008 respectively shall stand set aside. No costs. Consequently, connected Miscellaneous Petitions are closed.

07.01.2025

Neutral Citation : no
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W.P.Nos.28727, 28728 and 28729 of 2010

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The Presiding Officer,
Labour Court,
Vellore.



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W.P.Nos.28727, 28728 and 28729 of 2010

D.BHARATHA CHAKRAVARTHY, J.

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W.P.Nos.28727, 28728 and 28729 of 2010



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W.P.Nos.28727, 28728 and 28729 of 2010

07.01.2025